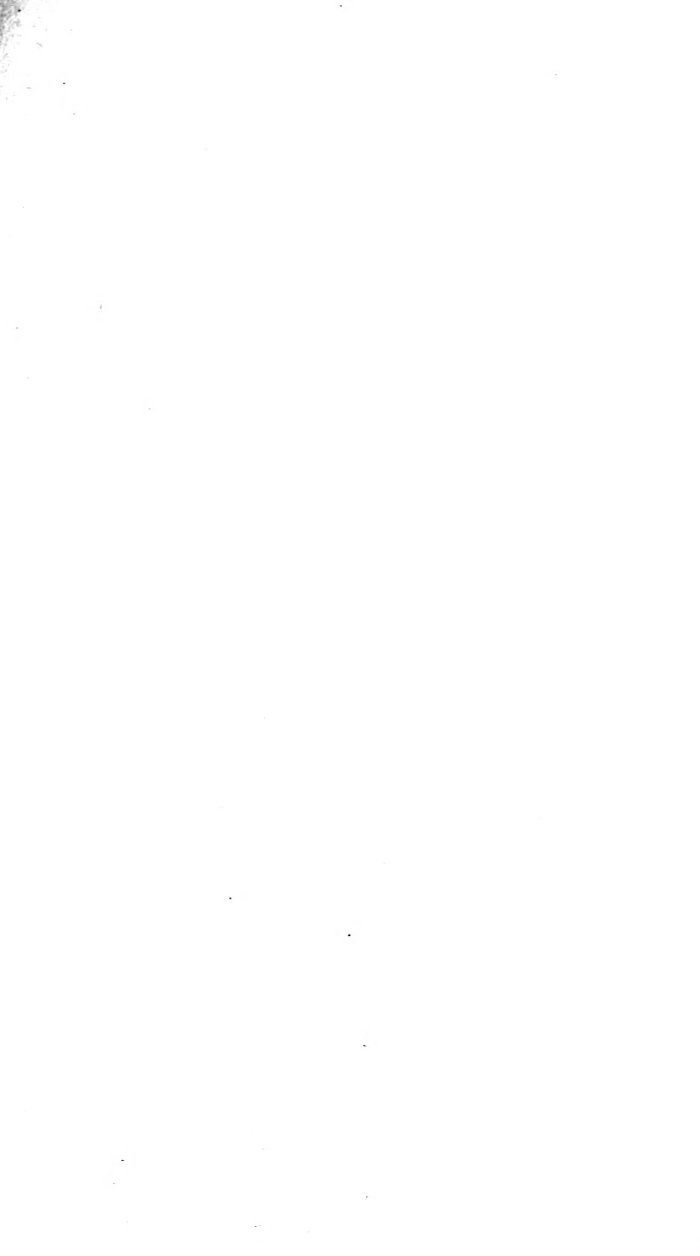


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GEORGE CALVERT,

The first Lord Baltimore

BOSTON
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LIVES

OF

LEONARD CALVERT,

SAMUEL WARD,

AND

THOMAS POSEY.

BOSTON:

CHARLES C. LITTLE AND JAMES BROWN.

1846.

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BY GEORGE W. BURNAP.

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L I F E
OF
LEONARD CALVERT,
FIRST GOVERNOR OF MARYLAND;
BY
GEORGE W. BURNAP.



PREFACE.

BESIDES the facts derived from the general histories, which touch upon the topics embraced in the following memoir, the materials have been drawn chiefly from Bozman's History of Maryland, McMahon's Historical View of the Government of Maryland, Bacon's Laws of Maryland, Smith's Virginia, and especially from the manuscript letters of Father White.

Owing to the early destruction of the state records, these materials are not so abundant as might have been desired. Enough, however, remains to give us the "form and pressure of the time." A few marked incidents often exhibit a clearer view of the conditions of any period, than a multiplicity of minute details. For this reason, the writer has given frequent extracts from the most interesting documents which are now accessible, that the reader may thus obtain a more vivid idea of the state of things, the modes of thought, the habits and manners, which then existed.

He would express his obligation to the Mary-

land Historical Society for the loan of their manuscript copy of Father White's Letters. Likewise, he would take this opportunity to thank the translator of the letters, Mr. N. C. Brooks, for the labor which he has bestowed on so unpromising a task. His translation has been mainly followed in the ensuing work. Father White was a Catholic missionary, who came over with the first settlers, and who corresponded constantly on the state of affairs with his superiors at Rome, where his original letters are preserved.

No full history of the early days of Maryland can now be written. The only sources, from which it could be derived, exist, if they exist at all, in the correspondence of the colonists with their friends in England. These have probably shared the same fate as similar materials on this side of the water; scattered on the breaking up of families, or destroyed by those who were unaware of their value.

LEONARD CALVERT.

CHAPTER I.

Points of Interest in the early History of Maryland. — Its religious Bearings.

TO LEONARD CALVERT belongs the honor of planting the third successful English colony within the territory, which now constitutes the United States. We, who are in the enjoyment of the blessings, which were procured for us by those early pioneers of civilization in this western world, can have no more worthy subjects of commemoration, than the lives and adventures of those bold and enterprising men, who braved the dangers of the ocean, the hostilities of the savages, and the privations of a residence on a distant and solitary coast, to procure for us a country and a home. The landing of Carver on the bleak coast of New England, the romantic adventures of Smith, the leading mind of the settlement at James-

town, have been celebrated in history. Why should not Calvert be remembered, who first elevated the cross on the beautiful banks of the Potomac?

To the student of history the planting of the Maryland colony is even more interesting than that of Massachusetts or Virginia. It shows more clearly the origin of American institutions, and the causes of that change in the human condition, which took place on a change of location from the Old to the New World. It displays more strikingly the fact, that the new form which society took in the New World was the result of circumstances, not of any plan or foresight in the original founders of the colonies; that the causes, which ultimately gave birth to our free form of government, were beyond all human control, and can only be attributed to that Providence which presides over all.

The Plymouth colony were already expatriated, when they emigrated to America; and they commenced their settlement without the boundaries of any charter. They were almost an independent nation at the very commencement of their existence. They may be said to have created their nationality on board the Mayflower, before they disembarked on the coast of New England, when they formed, by

solemn compact, a new and independent government. The plan of colonization in Virginia was formed by a company of merchants and gentlemen of London, as it would seem, rather for purposes of trade and wealth, than from any ulterior design of laying the foundation of a great nation. The first return that was attempted to be made by the colonists, was to load their ships with a species of earth, which they erroneously imagined to contain a large proportion of gold. The establishment of any form of either political or religious institutions seems to have made no part of their original purpose.

The charter of Maryland, on the other hand, was the grant of a territory, now constituting two states of this Union, to an individual, and he a nobleman, and contained provision for the transmission, whole and unimpaired, of almost all the peculiarities of the British constitution, not excepting the feudal system itself.

Such was evidently the design of Lord Baltimore, and of the British monarchs James and Charles. The manner in which this purpose was defeated, by the new and unforeseen circumstances in which the colonists found themselves, constitutes one of the principal points of interest in the early history of Maryland. We perceive by it, that it was the destiny of

this country, from the beginning, to be democratic in its institutions, and that the spirit of caste could not survive a translation from the eastern to the western continent.

The thirteen years of the administration of Calvert in Maryland embrace a most interesting period in English history. The British constitution itself underwent some of the most important modifications. It was during that time that those civil commotions commenced in England, which ultimately overturned the British monarchy, and brought to the scaffold the King, by whom the charter of Maryland was granted, and to whom the colonists originally owed allegiance. It was within this period that the popular branch of the English constitution grew, from almost nothing, to a preponderance in the scale of power, made itself superior, arrogated all the functions of government, and nearly annihilated the royal and aristocratic interests. After the commencement of the Long Parliament, which began its session only six years after the landing of the Pilgrims of Maryland, it was really doubtful to whom the allegiance of the colonists was due, and the state of things here participated in all the uncertainties and fluctuations, which took place in the mother country. This great contemporaneous political revolution contributed not a

little, undoubtedly, to modify the sentiments and institutions of the rising colony, to give them a more popular form, and defeat the evident intentions of its founder, as expressed in the charter.

The early history of Maryland is deeply interesting in a religious point of view. It is impossible to investigate it without seeing the causes, apparently fortuitous, on which depended the momentous question, whether this country should be ultimately Protestant or Catholic. At the time of the discovery of the western continent by Columbus, the probability that North America would be a Protestant country was extremely small. Protestantism was then unknown. The unity of the Catholic church was unbroken. Had the first enterprises of colonization been directed to North America, or rather that part of it which now constitutes the United States, instead of Mexico and South America, the territory now possessed by the Anglo-Saxon race would have been settled by the Spaniards, and repeated, as those countries have done, the institutions, civil and ecclesiastical, of the countrymen of Cortés and Pizarro. It was the mineral wealth, as well as the more inviting climate, of those favored regions, which, operating upon the cupidity of the first discoverers, drew to them the first at-

tempts at conquest and colonization, and postponed for a whole century the settlement of these more northern latitudes, which held out no other prospect of reward to the emigrant, than the slow returns of agricultural toil.

While the ill-fated subjects of Montezuma, and the simple natives of the West India Islands, were undergoing a rapid extermination by the swords of their European invaders, the aborigines of this more forbidding climate were permitted, for more than a hundred years, to retain undisturbed possession of the forests which stretched from the Atlantic to the Pacific Ocean. During that hundred years, the most important changes took place in Europe, which determined the future religious and political character of the people, who were ultimately to possess this soil.

An obscure monk in Germany, Martin Luther by name, commenced a religious and political revolution, which entirely changed the whole face of things on the Continent, and finally in England. The Papacy had long been a preponderating power. Its influence was every where felt, not only in ecclesiastical, but civil affairs. Kings found themselves unsafe on their thrones, unless under the patronage of the Bishop of Rome. In most of the kingdoms of Europe, not only were church and

state amalgamated, but the church had rather the best of the compact, for the power of the church pervaded many neighboring nations, while that of each government was confined to one. The church had found means to enforce uniformity of religious creed, and of course its own supremacy, by its alliance with the civil power.

Luther, with his associate reformers, who asserted the right of private judgment, found the first check to their cause in this alliance of church and state. Men could not think freely, and express their opinions, without impairing their civil rights, without peril of property and life. There was no way in which the reformation could proceed, except by effecting a dissolution of the connection. Indeed, so connected were all the continental nations with each other and the Pope, that it was next to impossible to procure, anywhere, that measure of religious freedom, which was necessary to carry out the principles of Protestantism.

In England, the case was different. Her insular situation exempted her, in some measure, from the entangling connections of continental politics, and made her, in some degree, independent. As it happened, too, the strong passions of an able monarch coincided with the

interests of the reformation to break the national allegiance to Rome. The close alliance, which had existed in England between church and state, made Henry the Eighth as powerful a friend of the reformers, as he would have been an adversary, had he not severed his connection with the Catholic church. The whole patronage of an immense ecclesiastical establishment, as well as the hopes of civil promotion, were brought to bear upon the religious faith of the nation ; and the progress of the reformers, under such circumstances, was naturally rapid. The long reigns of Henry and his daughter Elizabeth consolidated and made permanent what a temporary passion had achieved, and England became Protestant forever.

Sebastian Cabot had made a voyage to the New World as early as 1498, within six years of its discovery by Columbus, and touched at the Island of Newfoundland. On this voyage the English grounded a claim to North America by right of discovery. Had they followed up their discovery with the same promptness that the Spaniards did theirs, the whole coast would then have been colonized, and North America would probably have been Catholic at the present hour. Nothing was effectually done by the English for more than a hundred years. During that hundred years, England had changed

her religion, and become Protestant. This change of faith determined the religion of the new nation she planted in the west.

The Catholics were not, indeed, exterminated in England; but they constituted so small a minority of the population, that they contributed very little to give character to the new order of things, which took place in the New World. Hence it is, that, though the Catholics predominated in the Maryland colony at the outset, they did not long retain the preponderance; and the reader of these pages will perceive, it is believed, that the settlement, from the beginning, was less sectarian than is generally supposed.

The early history of Maryland is interesting, from the light it throws upon the progress of religious toleration. The constitution of the United States, established more than half a century ago, had a feature in it almost unknown since the beginning of the world, the entire separation of church and state, and consequently secured absolute religious liberty. At the beginning of the reformation, such a conception seems not to have entered the minds of the most enlightened theologians and statesmen. The Papacy had connected itself with all the governments of Europe, and the reformers were

not sensible, it would appear, of any impropriety in that arrangement of things. They seem to have thought, that the civil power might be lawfully wielded by whatever religious sect happened to have the ascendancy for the time being ; and the Protestants in England, when they obtained power under Henry the Eighth and Elizabeth, felt no scruple in using it against the Catholics, although, perhaps, it may be shown that they did it in self-defence.

The Puritans, one of the three great religious parties into which the people of England were divided after the reformation, had certainly no correct idea of religious freedom or the rights of conscience. The conduct of the New England colonists, who may be considered as their representatives, bears witness to this. The Quakers, whom they publicly executed, are the clearest proof that the errors of the Old World were not washed out by a voyage across the Atlantic.

The Virginia colonists may be considered as the representatives of the second religious division of the mother country, the Episcopal church, and they would tolerate none among them who were not Episcopalians ; and Lord Baltimore himself was driven away from among them, and perhaps prevented from making a

permanent settlement within their territory, on account of the condition of subscribing the test of the King's supremacy being offered to him.

As a Catholic, and believing in the supremacy of the Pope, he could take no such oath. The Puritan believed no more in the King's supremacy than the Catholic, and the oath must have been, therefore, no less distasteful to him. We are justified in the supposition, that neither Catholic nor Puritan either sought or found toleration in Virginia.

The Maryland colony was composed, at the outset, of both Catholics and Protestants, the Catholics being the majority. We cannot suppose that, with an ordinary share of prudence, the Protestants would have trusted themselves in the hands of the Catholics without some previous understanding as to the rights of conscience, and the liberty of enjoying, unmolested, their own religion.

Sufficient proofs have come down to us, that this was the case. If so, the Maryland colony has the honor of taking the lead in the cause of religious freedom, and of being the first community, in modern times, in which the civil was effectually separated from the ecclesiastical power. The only uncertainty which can impair this praise is, how far this liberality, so much in advance of the times, was the result

of principle or necessity ; how far the Catholics who were under the ban of the state at home, would have been permitted, in a colony chartered by the King, to exercise the same tyranny abroad, from which they suffered in the mother country.

CHAPTER II.

The Calvert Family. — Lord Baltimore obtains a Charter. — Its Provisions.

LEONARD CALVERT was the second son of George Calvert, Baron of Baltimore. He was sent out as first Governor of Maryland, by his elder brother, Cecil Calvert, who inherited the estates and title of the family.

It was with the father, George Calvert, Lord Baltimore, that the plan of the enterprise originated. It was his influence at court, which obtained the charter, and it was probably drawn up in terms nearly of his own dictation. He had intended to accompany the expedition in person, and his early death alone frustrated the design.

The family of Calvert was descended from an ancient and noble house in Flanders of the

same name. George, afterwards created Lord Baltimore, was a native of Kipling, in Yorkshire. He was born about the year 1582, entered Trinity College, in Oxford, at a very early age, and took the degree of Bachelor of Arts in 1596, or the year following. After travelling abroad, he obtained employment about the court, as secretary to the famous Robert Cecil, in the state department. When Cecil was made Lord High Treasurer, Calvert was still retained in his service. Afterwards, by the interest of his patron, he was made one of the clerks of the privy council, and thus brought near the person of his sovereign. In 1617, he was knighted by his Majesty, and the next year was appointed one of the principal secretaries of state. In this office, he was able and diligent, and greatly won upon the esteem and confidence of his sovereign. In 1620, he received a yearly pension of a thousand pounds.

Hitherto, he had been a Protestant. After enjoying his pension and place for five years, he willingly resigned his office, confessing to the King, that he had become a Roman Catholic.

This change of religion wrought no change in the affection and confidence of his royal master. James, though by no means the most liberal of men in religious matters, continued to

him his favor, retained him in his Privy Council, and created him, in 1625, Baron of Baltimore, in the county of Longford, in Ireland.

As a Catholic, though he still preserved the favor of his sovereign, his condition was far from being agreeable. The three parties, into which the English nation was then divided, were all struggling for the mastery, the Episcopalians, the Puritans, and the Catholics.

The Church of England men had the power, and were determined to keep it. The Catholics were obnoxious to both the other parties, on account of the supposed connection of their religion with their political opinions. The assassination of Henry the Fourth, of France, had struck the whole Protestant world with alarm, and kindled anew the animosity which had long existed against the Catholics in England. The life of James, as well as the Protestant succession, was thought to be in danger, and penal laws, which had not been in force against the Romanists for many years, were revived and put in execution.

In this state of things, George Calvert, Lord Baltimore, a man of wealth and influence at court, conceived the design of planting a colony of Catholics in the New World. In pursuance of this design, he obtained a patent from James, granting him a portion of the

Island of Newfoundland, and creating him sole lord and proprietor of it, with rights similar to those enjoyed by the highest nobility under the feudal system. In the year 1621, the next year after the landing of the Pilgrims at Plymouth, he sent out a colony, which settled at a place called Ferryland. Here he expended of his private fortune no less than twenty-five thousand pounds, in building granaries and storehouses, but especially in erecting a magnificent house for his own residence.

About the time of the death of James, his old patron, which took place in the year 1625, he removed with his family to his new plantation. In his new home he seems to have been totally disappointed. The climate, on the eastern side of the western continent, was found to correspond not at all with the same latitudes on the western side of Europe, but to be much colder, and the soil much less adapted to agricultural purposes. The winters were long and inclement, and the colonists, accustomed to the mild temperature of England, found themselves much too far to the north, either for comfort or profit. A few years' residence in this inhospitable climate induced Lord Baltimore to give up the colony as a failure, and turn his attention to a more genial latitude. In search of this, in the year

1628, he visited the colony of Virginia, and explored the waters of the Chesapeake.

The result of his exploration was highly satisfactory. He found a location much more favorable, as he supposed, for the success of his colony. The reception, however, which he met in the Virginia settlement, was most ungracious. The authorities tendered him the oath of supremacy, which they knew that he, as a Catholic, could not take, and which they probably intended as a bar to his coming among them. Disappointed of finding a residence among the Virginians, Lord Baltimore turned his attention and his hopes to the neighboring territory, and probably formed the purpose of obtaining a new charter from the King, with a more southern location than the first.

From 1628 to 1632, little is known of the movements of Lord Baltimore. It is most probable, that he returned to his settlement in Newfoundland, as history speaks of his being useful to his country in the wars, which had been kindled between England and France by the intrigues of the Duke of Buckingham. The fisheries on the coast of Newfoundland had, at this early day, become a most important branch of English industry and revenue, employing two hundred and fifty vessels, and five thousand persons, in a profitable business.

These vessels became immediately exposed to the French navy, on the breaking out of the war, and Lord Baltimore is said to have rescued twenty of them from a French squadron after they had been captured.

On his return to England, he applied to the King for a new charter, or rather, we are told, for a renewal of his old charter, with a new location. Without difficulty he obtained the King's assent to his proposition, and steps were taken for making out the papers.

The territory fixed upon was that, which now constitutes the states of Maryland and Delaware. It was described and bounded according to the knowledge of the geography of the country at that day.

Before the papers conveying this territory were executed, Lord Baltimore died. His death happened in London, at the age of fifty-three, on the 15th of April, 1632. His remains were deposited in the chancel of the Church of St. Dunstan, in Fleet Street. His personal character, which is important to a just understanding of the spirit of his charter, is thus given in the *Biographia Britannica*.

“ Though he was a Roman Catholic, yet he kept himself sincere and disengaged from all interests, and was the only statesman, that, being engaged to a decried party, managed his

business with that great respect for all sides, that all who knew him applauded him, and none that had anything to do with him complained of him. He was a man of great sense, but not obstinate in his sentiments, taking as great pleasure in hearing others' opinions as in delivering his own. Judge Popham and he agreed in the public design of foreign plantations, but differed in the manner of managing them. The first was for extirpating the original inhabitants, the second for converting them; the former sent the lowliest people to those places, the latter was for the soberest; the one was for making present profit, the other for a reasonable expectation; liking to have few governors, and those not interested merchants, but unconcerned gentlemen; granting liberties with great caution; and leaving every one to provide for himself by his own industry, and not out of a common stock."

On the decease of Lord Baltimore, his title and estates fell to his eldest son, Cecil, who entered immediately and warmly into his father's designs. On the 20th of June following his father's death, Cecil, now Lord Baltimore, procured to be executed, in his name, the charter which had been drawn up for his father.

The charter consists of twenty-three sections.

The fourth article confers on Lord Baltimore and his heirs, besides the right of absolute ownership in the soil, certain powers, ecclesiastical as well as civil, resembling those possessed by the highest nobility, handed down from the middle ages.

This article is a most important one to those, who wish to form a correct estimate of the form of government, civil and ecclesiastical, which was contemplated both by King Charles and Lord Baltimore. The parties to this charter cannot be considered as the original authors of it. It was drawn up by George Calvert some time before his death; and we are told, that it was nearly a copy of that granted to him by James, more than ten years before, for an establishment in the Island of Newfoundland. James had now been dead seven years, and Charles had reigned as long. The intended name of the colony had been *Crescentia*, but in compliment to the Queen, Henrietta Maria, a Catholic, daughter of Henry the Fourth of France, the name was changed to Maryland.

It is not difficult to perceive, from the article here referred to, as well as from the one immediately following, that the form of government intended by the parties, who drew up and signed this charter, was widely different from that which the force of circumstances ultimately

compelled it to take. It was evidently their intention to erect on this western continent an English Barony, with nearly all the peculiarities handed down from feudal times. Lord Baltimore, who then intended to remove to his new possessions in person, was here to be invested with the highest prerogatives enjoyed by the nobility under the crown of England.

If Lord Baltimore had come over to the colony, as he designed, and had carried out the provisions of the charter, he would have transplanted to the New World all the institutions of the feudal ages. He might have erected his palace, and enjoyed all but royal power, a power at least as great as any feudal subject of the King of England, and transmitted the same to his posterity. He would have had, like the King of England, the power of appointing all magistrates and judges, and the whole patronage of the church.

His relations to the King, his sovereign, are defined in what seems to us the law jargon of the dark ages, contained in the following sentence. "To hold of us, our heirs and successors, Kings of England, as of our Castle of Windsor, in the county of Berks, in free and common soccage, by fealty only, for all services, and not *in capite*, nor by knights' service, yielding therefor unto us, our heirs and successors, *two*

Indian Arrows." By the ancient constitution of England, the King was supposed to be the original proprietor of all the land in his kingdom. All his subjects were his tenants, and held their lands under condition of certain rents, or personal service, rendered to their common landlord. *Soccage* was a rent independent of personal service. *Fealty* was allegiance on the part of the subject, and the obligation of defence on the part of the sovereign. A tenure *in capite* was one in which, on the decease of the tenant, the next half year's rents reverted to the crown. *Knight's service* was the obligation of the tenant to accompany and assist his landlord in war.

The sum and substance of the whole is, that Lord Baltimore, by the payment annually of two Indian arrows, in the place of all the other terms of tenure then known under the crown, acknowledges that the original and paramount title to the soil is still in the Kings of England, and the territory granted is still a part of the British empire.

The relations of the future colonists to the English crown are defined in the following clause; "Saving always the faith, and allegiance, and sovereign dominion due to us, our heirs and successors;" and likewise in the tenth section, "We will, also, that all and singular the

subjects and liegemen of us, our heirs and successors, transplanted into the province aforesaid, and the children of them, and of others their descendants, be, and shall be, liegemen of us, our heirs and successors of our kingdom of England and Ireland ; and likewise all privileges, franchises, and liberties of this our kingdom of England, freely, quietly, and peaceably to have and possess, and the same to use and enjoy in the same manner as our liegemen born within our kingdom of England.”

The clause in the fourth article respecting churches is especially interesting to those, who wish to trace the history of religious freedom and toleration. “ And furthermore the patronage and advowsons of all churches, which (with the increasing worship and religion of Christ) within the said region hereafter shall happen to be built ; together with license and faculty of erecting and founding churches, chapels, and places of worship, in convenient and suitable places within the premises, and of causing the same to be dedicated and consecrated according to the ecclesiastical laws of our kingdom of England.”

As this is the only article concerning religion in the charter, it is important to ascertain what were its meaning and intent, and how far it secures religious liberty, as it is now under-

stood. The candid inquirer, it is believed, must admit, that there is in the charter no advance upon the ideas which then prevailed in England upon this subject. The same connection between church and state is contemplated, which then existed in the mother country, just the same degree of religious freedom which was then enjoyed in the bishopric of Durham. The "license and faculty of erecting and founding churches, chapels, and places of worship," and dedicating them, was vested in the proprietary. Having the original right of soil, the proprietary might have prevented the erection of any church or chapel for the propagation of a faith, which he should choose to suppress. Moreover, he had vested in him "the patronage and advowsons of all churches which shall happen to be built."

By the provisions above recited, it appears, that the whole control of ecclesiastical affairs is granted to the proprietary. The power over all church matters was vested in him, and was to emanate from him, and not from the people, as it does when religion is left free. The pastors were to be chosen, not by popular election, nor were the hearers to have any voice in their election, but by the appointment of the owner of the soil. The proprietary might prevent the erection of any church which he chose to forbid, and, by the

exclusive power of appointment, dictate the faith of the province. The proprietary might renounce all these rights if he chose, and proclaim entire religious freedom; but there is no provision made for the exercise of that freedom in the charter. That instrument makes provision for the support of the clergy, not by the people, but by the rent of lands, or other property, bestowed upon each individual church by the proprietary, or those to whom he might convey landed estates.

No other condition of things seems to be contemplated in the charter, than then existed in England, and there, at that time, neither religious toleration nor liberty was known. The Catholics were, at that moment, disfranchised of their religious rights, and severe laws were in force against them; and no little ingenuity is required to explain the fact, that such extensive ecclesiastical powers should have been conferred by Charles, himself a Protestant, on Lord Baltimore, an avowed Catholic. It is, perhaps, still more mysterious how a Catholic could consecrate churches according to the ecclesiastical laws of the kingdom of England, when the exercise of that religion was there forbidden under severe penalties, by act of Parliament. But these inquiries, though curious, are aside from our present purpose. Suffice it to

have shown, that whatever liberality was afterwards manifested by Lord Baltimore, by his brother Leonard Calvert, and the colonists, no provision is made for it in the charter.

There is, it is true, in the twenty-second section, a proviso to this effect, that if, in the interpretation of it, any doubt shall arise as to its true construction, that meaning shall be given to it which is most beneficial, profitable, and favorable to Lord Baltimore; "provided always, that no interpretation thereof be made, whereby God's holy and true Christian religion, or the allegiance due to us, our heirs and successors, may in any wise suffer by change, prejudice, or diminution." It has been said that this proviso covers the whole ground of religious liberty, so as to tie up the hands of Lord Baltimore and his subordinates from showing any preference of one form of the Christian religion over another, and thus takes from him the credit of voluntarily establishing religious liberty in his province.

But this seems to be giving to very vague language a meaning altogether too particular. Had the language run in this way, provided that no interpretation be given to this charter, whereby God's true and holy Christian religion, or the free exercise thereof, shall suffer any change, prejudice, or diminution, then the pro-

prietary would have been forbidden to make any law by which any preference should be given to one sect over another. As it stands, it merely provides that the Christian religion shall be the only recognized religion in the province; that nothing shall be done, and no law enacted, by which its interests shall be impaired. The religion of the country shall be Christian, and not pagan, Jewish or Mahometan.

This interpretation is confirmed not only by the general expression, "Christian religion," but by the terms of prohibition, "by change, prejudice, or diminution." If we consider the Christian religion to mean the Christian religion as it was then administered in England, and the change, prejudice, or diminution, to mean any change in respect to religious freedom, so as to be less free in the colony than it was in the mother country, we then ask, what was the religious freedom enjoyed in the mother country. And the true answer is, that it was unknown. It was not practised by Charles himself and his government. It was not practised by any sect which had the control of religious affairs, under any circumstances. The Catholics were at that moment proscribed, and special license was necessary to enable the Queen to enjoy the administra-

tion of its peculiar forms. The Puritans were persecuted nearly as much as the Catholics, and Charles was willing, by fire and sword, to force the forms of Episcopacy upon the church of Scotland.

To have established the Christian religion in Maryland, on the basis of the freedom and equality of all sects, would not have been a continuation of the church or Christianity as it was, but would itself have been a change.

Besides, without any further specification, the meaning of "God's holy and true Christian religion" might have been interpreted by any sect to suit its own purposes. Each sect then claimed, as it does now, to be the only true church, and, of course, to have the only true Christian religion. The Catholic, especially, is bound, by the principles of his own religion, to consider his own church the only true one, and to reject the claims of any other to possess the true Christian religion. Had the Catholic church in England obtained the ascendancy, then the judges, before whom any violation of the charter should have been brought, if they were true to their religious principles, must have decided, that the true Christian religion was the Catholic religion.

The sixth, seventh, and eighth sections make provision for legislation, for the enactment of

such laws as shall be found necessary for the government of the province. They provide that Lord Baltimore and his heirs, "for the good and happy government of the said province, shall have free, full, and absolute powers to ordain, make, and enact laws, of what kind soever, according to their sound discretion, whether relating to the public state of said province or the private utility of individuals, of and with the advice, assent, and approbation of the freemen of the same province, or of the greater part of them, or of their delegates or deputies, whom we will, shall be called together for the framing of laws, when and as often as need shall require, by the aforesaid, now Baron of Baltimore, and his heirs, and duly to execute the same upon all persons for the time being within the aforesaid province."

CHAPTER III.

Charter continued. — Provides for an Order of Nobility. — Secures the Colonists from Taxation.

IT was much more easy for King Charles and Lord Baltimore to construct a govern-

ment on paper in England, than for Leonard Calvert and the colonists to carry their intentions into effect in America, at a distance of three thousand miles, almost beyond the control of the mother country. It was easier to decree the harmonious union of two such opposite elements as monarchy and democracy, than to compel them to act harmoniously together. And on this point it was, that the first difficulty occurred, and that the charter was found defective. It is, moreover, not a little curious, that such provision should have been made by Charles, for consulting the will of the people in the colony, when he himself had attempted to set aside the popular branch of the English constitution altogether, and govern the nation without a Parliament, by his own arbitrary will.

The provisions of the eighth article would seem to be more in keeping with the practice, if not the principles, of Charles and of Laud, who was then his principal adviser. It authorizes the proprietary, with his magistrates and officers, to make laws and ordinances, till such time as the freeholders, or their delegates, should be called together for that purpose, such laws not being repugnant to the laws of England.

The intention of this provision it is not dif-

ficult to perceive. It was designed to confer upon the lord proprietary and his magistrates a power not unlike that which was given to the consuls under the Roman republic, in "certain emergencies, to see that the republic received no detriment," which made them in a manner absolute, for the time being. But the proviso, with which the article closes, seems to render nugatory the whole grant of power under it, as follows; "which ordinances we will to be inviolably observed within the said province, under the pains to be expressed in the same." What those "pains" could be it seems impossible to conjecture, when they are so restricted as not "to extend to oblige, bind, charge, or take away, the right or interest of any person or persons, of or in member, life, freehold, goods, or chattels."

The only remaining articles, which are especially interesting to us at this day, are the fourteenth, nineteenth, and twentieth. The fourteenth makes provision for the establishment of an order of nobility, by conferring titles and dignities, "so that they be not such as are now used in England." This power seems never to have been exercised in a single instance. Before the colony had acquired any strength, the democratic element of the British constitution obtained the entire ascendancy,

and for a season utterly annihilated the aristocratic interest; and nobility in England was for a time overthrown. The influence of every domestic movement was felt in the colonies, and no such distinctions would have been borne by the colonists, especially in that age when parties ran so high in England.

As a counterpart to the preceding, the nineteenth article empowers the proprietary and his heirs "to create any parcels of land within the province into manors," with all their feudal appendages.

It is evident from this provision of the charter, and from these tenures of property, that nothing more nor less was intended, than the transmission of the feudal institutions of England, just as they then existed, to the New World. Had they been carried out, Maryland would have been a mere repetition of the mother country. The land would have been parcelled out into immense estates, and owned by an hereditary nobility, and rented out to tenants, who would have been under the jurisdiction of the possessors of the soil. Churches would have been built, not by the people, but by the landed proprietors. They would have been supported, not by the hearers, but by the rents of land, given them by the nobility, and the clergy would have been chosen, not by the peo-

ple, but by the proprietary and his heirs, and those to whom he should grant the right of soil.

The only other article in the charter, which is of special interest at the present day, is the twentieth, which relates to taxation. This was the point upon which radical and fatal disagreement sprang up, nearly a century and a half afterwards, between the colonies and the mother country. It is remarkable, that what the colonies afterwards contended for, exemption from taxation, is here freely and fully conceded and secured to that part of America, which was comprehended in the charter of Maryland.

The King stipulates, that himself, his heirs and successors, "at no time hereafter will impose, or make, or cause to be imposed, any impositions, customs, or other taxations, quotas or contributions whatsoever, in or upon the residents or inhabitants of the province, for their goods, lands, or tenements within the same, or upon any goods or merchandise within the province, or within the ports or harbors of the said province, to be laden or unladen;" and he commands his officers of justice, and all others, to conform to this declaration.

Such are the main features of the charter, which Cecil Calvert, Lord Baltimore, procured to be signed and sealed by King Charles the First, on the 20th of June, 1632. No time

was lost in fitting out the expedition. Indeed, from some expressions in the charter, we are led to infer, that preparations were then making ; and it was already understood, in a great measure, who were to join the enterprise.

But the fitting out of a colony of persons, who were to expatriate themselves forever, was not to be accomplished in a moment. Estates were to be disposed of, the money for them obtained, and new purchases made of such things as would be necessary to them in their new situation. It was not till November, 1633, that the expedition was ready to sail.

CHAPTER IV.

*Discontent in Virginia. — Conflict of Charters.
First Emigration. — Narrative of the Voyage.*

IN the mean time, reports had reached the Virginia colony of an alarming character, that the King had granted away a large part of the territory already made over to them. There was, it must be confessed, some ground for this apprehension. It is true that the grant made to the Virginia Company, in the year 1609, com-

prehended nearly or quite one half the territory afterwards granted to Lord Baltimore. But it must be observed, that things relating to geographical limits in America were then transacted in England with great looseness and inaccuracy. It is evident, that, in drawing up the above charter, King James had no adequate conception of the extent of territory which he was giving away. It was, in fact, a tract of land extending from the Atlantic to the Pacific Ocean, four hundred miles in breadth, and more than three thousand in length, besides the islands on both coasts. James, and those to whom he made the grant, had imagined that the continent was not much, if any, broader here than it had been ascertained to be in Central America.

There was manifestly a clashing of the two charters, and such a one as was likely to produce bad feeling and disturbance between the two colonies. It was proper, that the matter of boundaries should be settled before the departure of the Maryland colony. Accordingly, in the spring of 1633, a petition was presented to his Majesty complaining of the encroachments of this charter. This petition on the part of the Virginia colony was referred by the King to the Council. The parties were heard; but, instead of the case being decided, as it ought to have been, it was put off, and nothing more

was determined than that Lord Baltimore should be left to his patent, and the other party to the course of law.

This original conflict of title, and the subsequent indecision and procrastination of the King and Council, as we shall see, were a serious detriment to the interests of the new colony, involving them, from the beginning, in most unpleasant controversies, and leading ultimately to war and bloodshed.

In the mean time, preparations for the departure of the colony went on; but an important change took place in the arrangements. Lord Baltimore concluded not to accompany the expedition in person, but to send his brother, Leonard Calvert, as his deputy in the capacity of Governor. Two persons were joined with him in the commission, as counsellors, Jerome Hawley and Thomas Cornwallis. Another brother, George Calvert, accompanied the Governor, but in what capacity is not now known.

The first emigration consisted of about two hundred, just double the number of those who came, thirteen years before, in the *Mayflower* to Plymouth. Many of them were persons of wealth and consideration at home. Some of the names which have been preserved are Richard Gerard, Edward Wintour, Frederick

Wintour, Henry Wiseman, John Saunders, Edward Cranfield, Henry Greene, Nicholas Fairfax, John Baxter, Thomas Dorrell, John Hill, John Medcalfe, William Saire. The conditions held out to the emigrants by Lord Baltimore were, first, titles and dignities, which he was empowered to bestow on those who should distinguish themselves by fidelity, bravery, and illustrious services. In the second place,

“Whoever should pay down one hundred pounds, English money, to convey five men, (which sum shall be sufficient for arms and implements, for clothes, and other articles,) whether it shall please them to join themselves to us, or their men and money, to those to whom this gift may be transferred, or to another, whom he may commission to have the care of them, and receive a division of the land, to them, and to their heirs forever, shall be assigned a possession of two thousand acres of good land; and besides, if it be the first expedition to which they shall join themselves as companions, and exert their labors, they shall obtain their share, by no means small, of a very profitable trade, with other privileges. Concerning all which things, when they come to the aforesaid Baron, they shall be made acquainted. But, as has been before said of the one hundred pounds, this also may

be understood of a smaller or greater sum of money in proportion, whether from one person separately, or collected together and contributed by many."

It is probable that a large proportion of the first adventurers were Catholics, though perhaps not such an entire preponderance as is generally supposed. Two clergymen, whose names have descended to us, came over as missionaries to the Indians, as well as to officiate in sacred things to the colonists. Their names were Father White and Father Athan. There was perhaps another, whose name is not now known. Certain it is, that there were three priests attached to the mission the next year 1635. There were also two lay assistants, employed to aid them in their labors. The priests belonged to the order of the Jesuits. They, of course, were bound to report the progress of their mission to the General of their order at Rome. To extracts from this correspondence, which have lately been made by a Catholic sojourning at Rome, we are indebted for a particular and very interesting account of the first planting of the Maryland colony.

The letters from which these extracts are made were written by Father White. He seems to have been a man of great simplicity

of character, ardent zeal in the cause in which he was engaged, strong religious faith, and entire self-devotion. He appears to have had a marked inclination to the supernatural, which must be indulged to his faith and to the age. The cheerfulness with which he abandoned home and country, and came to labor among the savages of this western wilderness, is worthy of all praise.

Of the two hundred persons who composed that emigrating company, many perhaps had more to leave behind, but none had certainly less to hope. Many had bidden adieu to the dear fields, which had been in the possession of their families for generations, but they sought for more extensive possessions in the New World. There they hoped to plant their name and their posterity forever. The priest looked for no inheritance among his brethren. The only part of the territory, of which he was to take possession, that he could ever appropriate, would be his grave; and when he was gone, his name would be blotted out forever.

The time first intended for the embarkation was as early as the month of September, 1633. But it was delayed, by causes not now known, for two months. It has been suggested, that the delay was for the purpose of arriving at the place of their destination at a more favor-

able season of the year, at the opening of the spring, rather than in the autumn or winter. It is certain, that they made no haste to leave the mild climate of the tropics, for which they immediately steered, on leaving England.

We have a narrative of the voyage from the pen of Father White, in his official report to his religious superiors at Rome, and it is one of the most precious and interesting records of the early days of the Maryland colony.*

* There is also a curious and rare little volume, entitled "A Relation of Maryland, together with a Map of the Country, the Conditions of Plantation, and his Majesty's Charter to the Lord Baltimore translated into English. 4to. London, September 8th, 1635." In this volume is a brief account of the first settlement, which, in the points upon which it touches, agrees very exactly with Father White's narrative. It mentions but few incidents of the voyage. "The gentlemen adventurers and their servants," says the writer, who was himself one of the adventurers, "to the number of near two hundred people, embarked themselves, for the voyage, in the good ship called the *Ark*, of three hundred tons and upward, which was attended by his Lordship's pinnace, called the *Dove*, of about fifty tons. And so, on Friday, the 22d of November, 1633, a small gale of wind coming gently from the south-west, they weighed from Cowes, in the Isle of Wight, about ten in the morning; and having stayed by the way twenty days at Barbadoes, and fourteen days at St. Christopher's, upon some necessary occasions, they arrived at Point Comfort, in Virginia, on the 24th of February following." The principal object of this volume was to induce emi-

“On the 22d of November, 1633,” says Father White, “on St. Cecilia’s day, the east wind blowing gently, we weighed anchor from Cowes, situated in the Isle of Wight. When we had placed the principal parts of the ship under the protection of God, the most holy Mother, of St. Ignatius, and all the other guardian angels of Maryland, being carried a short distance between the two portions of land, for want of wind, we came to anchor off the Castle of Yarmouth. Here we were honored by a military salute from the guns of the fortification. We were not, however, free from apprehension, for a report was whispered among the sailors, that a messenger with letters was expected from London, which threatened to arrest our further progress. But God defeated their adverse purposes; for the same night, a favorable but strong wind blowing, a French bark, which had lain in the same port with us, being compelled to weigh anchor, nearly

grants to go over to Maryland. Hence it contains a short history of the first settlement, which took place the year before, a description of the country and its products, some account of the Indians, and the conditions held out by the proprietary for the encouragement of settlers. The New Englanders have celebrated the *Mayflower* in songs and civic feasts; the Marylanders have a theme not less prolific or inspiring in the *Ark* and the *Dove*.

drove against our pinnace. She, therefore, to prevent herself from being dashed in pieces, cut loose from her anchor, and spread her sails with all possible expedition; and, as it is dangerous to drift at large in that place, she made haste to put out to sea. So, lest we should lose sight of our pinnace, we determined to follow, thus defeating whatever evil purpose the sailors may have entertained.

“This happened on the 23d of November, St. Clement’s day, on which he, being bound to an anchor, and cast into the sea, obtained the crown of martyrdom, and brought his people safe to land, as God’s miracles declare.

“The same day, therefore, at ten o’clock, being again saluted from the Castle of Hurst, we were carried beyond the numerous breakers at the extremity of the Isle of Wight, which, from their form, are called the Needles. These are a terror to sailors, on account of the double tide of the sea, on this side hurrying ships upon the rocks, and on the other against the neighboring shore. Here we incurred a second peril; for, while we were weighing and securing our anchor, we were near being dashed on land by the violence of the winds and tide; and such would have been our fate had we not, with God’s aid, by mighty effort, suddenly urged our vessel into the main;

Providence thus affording us, by this mercy, a pledge of his future protection through the merits of St. Clement.

“On that day, which fell on the Sabbath, and on the succeeding night, we enjoyed winds so favorable, that the following day, about nine o'clock in the morning, we left behind us the western promontory of England, and the Scilly Isles, in a gentle course turning rather to the west, coasting along the British Ocean, not running as fast as we might, lest, leaving the pinnace too far behind, it might fall a prey to the Turks or pirates, who much frequented that sea. Hence it came to pass, that a fine merchant ship, called the *Dragon*, from London, overtook us on her voyage to Angola. And now, our dangers being over, and our minds open again to enjoyment, it was delightful to behold the two ships contending together in their course, and, with clangor of trumpets, making the air and sky resound again.

“On Lord's day, the 24th, and Monday, the 25th of November till evening, we enjoyed a prosperous sail. But then, the wind having sprung up toward the north, there arose so great a storm, that the merchant ship of which I spoke retracing its course, steered for England. Our pinnace, too, as it was of small burden, began to be distrustful of its strength, and heaving

to advised us, that if she feared shipwreck she would signify* it by lights shown from the mast-head. We were carried, in the mean time, in a strong ship of ample size, than which a better could not be built of wood and iron. We had a most skilful captain, and the option was given him of returning to England if he chose, or contending still with the waves, continually in danger as we should be of being driven upon the Irish coast, so much dreaded for its hidden rocks and frequent shipwrecks. The daring mind of the commander prevailed, as he was anxious to try the strength of his new ship in this her first voyage, and thought that the more difficult and dangerous his situation, the more honors there would be in successful effort.

“Nor was danger far distant ; for in the middle of the night, amid the howl of the winds and the raging of the sea, we could see at a distance our pinnace with two lights hung out at her mast-head. Then, forsooth, we thought there was an end to our pinnace, and that it was swallowed up in the deep ; for in a moment she had escaped our sight, nor was any discovery of her made till six or seven weeks after. We were all persuaded that the pinnace had perished ; but God had provided better things for us, for, unable to contend with the waves, she shunned in time the Virginia Ocean, by which

we were tossed, returned to England, and took refuge in the Scilly Isles.

“ From thence, after a short detention, she sailed in company with the *Dragon* as far as the Bay of Biscay, and there overtook us, as I shall relate at the Antilles Islands ; God, who takes care of the smallest things, providing our little craft with both a guide and guard. We, ignorant of her fate, were overwhelmed with grief and fear, our sad imaginings being aggravated by the terrors of the night. After the dawn of day, we had the south-west wind directly ahead, which, though it blew faintly, compelled us frequently to tack ; and thus we made but little way. In like manner, during Tuesday, Wednesday, and Thursday, the winds being variable, we made little progress. On Friday a south-east wind sprang up, and, driving before it heavy masses of sleety clouds, towards evening poured such a tempest upon us, that we seemed every moment about to be engulfed in the waves.

“ Nor did the next morning, being the festival of St. Andrew, promise any abatement. The clouds rolled in masses, now rent by lightnings, were terrible to behold ; and it seemed as if all the spirits of storms and the evil and malignant genii of Maryland had come forth in battle-array against us. As the day declined,

the captain saw a sunfish attempting to make way against the sun, which is the most certain sign of a dreadful storm; nor was the thing signified far behind the presage.

“About ten o’clock at night, a black cloud poured down torrents of rain, and immediately such a tempest succeeded, that we were compelled with all haste to take in sail; and before we could do this, the mainsail, which we were using alone, was split from top to bottom. Part of it, dashed into the sea, was recovered with difficulty.

“At this juncture the minds of the bravest, whether passengers or sailors, were struck with terror, for they confessed that they had seen the best ships sink in a lighter storm. But the tempest excited the Catholics to prayers and vows in honor of the blessed Virgin Mother and of her immaculate conception, of St. Ignatius, the patron of Maryland, of St. Michael, and all the tutelar angels of the place. And now each one strove by the sacrament of penance to purge his soul, for, having lost the direction of our rudder, the ship, now abandoned to the winds and waves, was tossed about here and there, as you may suppose, till God opened a way of safety.

“I had given myself to prayer when the storm was at its height, and let it redound to

the glory of God alone ! While as yet I had scarcely ended, the tempest was perceived to be abating. This clothed me with a new habit of mind, and filled me with great joy and admiration, since I perceived in it a new display of God's goodness to the people of Maryland. Blessed be the sweet kindness of our Redeemer forever !

“When the sea had ceased its raging, the rest of the voyage, which lasted three months, was most prosperous, so that the captain and his men declared, that they had never seen one more pleasant ; nor for a single hour did we suffer any inconvenience. When I say three months, I do not mean that we were so long at sea, but I reckon the whole voyage, including the delay at the Antilles Islands ; for we were on the ocean only seven weeks and two days.”

On their way from the coast of Spain southward, the voyagers were in fear of the Turks, and the good priest ascribes their absence to the fast of Ramadan, which fell at that season of the year. After having sailed beyond the Pillars of Hercules and the Madeira Islands, with a favoring wind, they saw two strange vessels about three leagues off, which appeared to be coming directly towards them, and which were suspected to belong to Turks or pirates

The captain cleared his vessel for action ; but the suspicious strangers soon changed their course, and disappeared.

“Arriving soon after at the Fortunate Islands,” continues our narrator, “we came to anchor in a large bay, where we had nothing to fear but from calms, which sometimes continue from fifteen days to three weeks, and vessels are distressed for provisions. But this rarely occurs. Delays, however, are frequent for the want of wind, which here always blows in one direction, and that coinciding with the course of our voyage. Our arrival in this bay completed a run of three thousand Italian miles, in which we had been all the time under full sail, excepting occasionally an hour or so in the middle of the day.

“But here I cannot refrain from extolling the divine goodness, which causes all things to work together for good to them that love God ; for if no delay had intervened, and we had been permitted, as we first intended, to sail on the 20th of August, the heat of a vertical sun would have been so intense, that it would not only have caused the loss of our provisions, but disease and death to almost all of us. The delay eventuated in our safety, for, embarking in winter, we were free from in-

conveniences of this kind ; and, if you except the usual sea-sickness, no one was attacked by any indisposition till Christmas day. The better to celebrate that day, wine was freely drunk, and in consequence those who indulged intemperately were seized the next morning with fever, to the number of thirty ; and of them not long after about twelve died, among whom two Catholics, Nicholas Farfar and James Barefoot, were considered a great loss by all."

CHAPTER V.

Narrative of the Voyage, continued. — Arrival in Virginia ; in Maryland. — Negotiations with the Indians. — Landing.

WHEN they arrived at the Fortunate Islands, or the Canaries, as they are now called, the Governor consulted with the principal officers and gentlemen, as to the best method of procuring a cargo for the vessel on its return, by which the expenses of the expedition might be lessened. These expenses had been wholly

borne by Lord Baltimore.* They at first resolved to sail directly for St. Christopher's, but changed their minds after proceeding some distance, and turned towards the south, in order to reach Bonavista, one of the Cape de Verd Islands, where the Hollanders procured salt for consumption at home, and for their Greenland fishery. They had advanced about two hundred miles, when it was suggested that their provisions might fall short during so long a voyage; so they changed their course again, and bore away for Barbadoes.

“When we arrived here,” continues Father White, “we were in hopes of procuring many articles of trade from the English inhabitants, and the Governor of the same blood. But by conspiracy they refused to sell us a bushel of corn, which grows luxuriantly in the central or Dutch portion of the island, for less than ten florins and a half, four times as much as it was worth. For a guinea-hen they demanded twenty-five florins, and for smaller fowls three florins. Beef and mutton they had none; for they live entirely upon bread and potatoes, which root grows in such abundance, that you

* Chalmers says, that, during the first two years of the settlement of Maryland, Lord Baltimore expended upwards of forty thousand pounds sterling, in transporting people, necessary stores, and provisions.

may carry off whole cart-loads without any price.

“But the care of divine Providence made amends for the cruel treatment of man; for we learned that a Spanish fleet was lying off Bonavista, to prohibit all others from the trade in salt. Had we proceeded on our voyage, according to our purpose, we should have fallen into the snare, and become their prey. In the mean time, we were saved from greater danger at Barbadoes; for the slaves, through the whole island, had conspired to murder their masters, and, when they should obtain their liberty, they were determined to seize on the first ship that arrived, and commit themselves to the ocean. But the plot was revealed by some one, who was alarmed at its atrocity, and the punishment of one of the leaders gave security to the island and safety to us. Our ship was the first that came, and would inevitably have fallen into their hands; and the very day we arrived, we found eight hundred men under arms to put an end to the late commotions.

“On the 24th of January, at night, we weighed anchor. About noon of the next day, we passed the Island of St. Lucia on our left, and at evening we reached Matalina. At this place two boats of naked men, who were afraid of our ship, held up to our sight from a distance

pumpkins, cucumbers, fruit of the plane-tree, and parrots for traffic. They are a wild race, daubed with purple paint, ignorant of a God, and greedy of human flesh. The country is almost covered with wood, and quite impassable on account of its uneven surface. They had lately eaten some English interpreters.

“At the dawn of the day following, we reached another of the Caribbee Islands, to which the resemblance of its rough mountains to something of the same kind in Spain has given the name of Guadaloupe. From that we reached Montserrat about noon, where we understood from a French galley, that we were not yet safe from the Spanish fleet. Montserrat is inhabited by Irishmen, who have been expelled by the English of Virginia, on account of their profession of the Catholic faith. Having spent a day there, we set sail for St. Christopher’s, where we stopped for several days, being invited to do so in a friendly way by the English Governor and two Catholic captains. The Governor of the French colony in the same island treated me with the most especial kindness.

“At length, sailing from thence we reached what they call Point Comfort, in Virginia, on the 24th of February, full of fear lest the English inhabitants, to whom our enterprise is very objectionable, should devise some mischief

against us. However, the letters which we brought from the King, and Chancellor of the Exchequer, to the Governor of these regions, served to conciliate their minds, and to procure those things which were necessary for us. The Governor of Virginia, by this kindness towards us, hoped to obtain more easily from the royal treasury a large amount of money, which was due to him. A vague rumor reached us here, that six ships were approaching, which were intended to reduce every thing to the dominion of the Spanish, which was afterwards in some measure verified.

“After a kind entertainment for eight or nine days, on the 3d of March we spread our sails, and were wafted into the Chesapeake Bay, turning our course to the north, that we might enter the Potomac River. Chesapeake Bay, ten leagues broad, and four, five, six, and seven fathoms deep, flows gently between its shores. At certain seasons it abounds in fish. A more beautiful expanse of water can scarce be found. It is inferior, however, to the Potomac, to which we gave the name of St. Gregory.

“We had now arrived at the country so much desired, and we gave names to different places and objects as occasion suggested. The southern point, at the mouth of the Potomac, we called St. Gregory, a venerable name ; the

northern we called St. Michael, in honor of all the angels. A more majestic and beautiful river was never seen. The Thames, compared with it, can scarcely be considered a rivulet. It is not rendered impure by marshes, but on each bank of solid earth rise beautiful groves of trees, not choked up with an undergrowth of brambles and bushes, but as if laid out by hand, in a manner so open, that you might freely drive a four-horse chariot in the midst of them. At the very mouth of the river we beheld the natives armed.

“That night fires were kindled through the whole region, and, as so large a ship had never been seen by them, messengers were sent everywhere to announce, ‘that a canoe, as large as an island, had brought as many men as there were trees in the forest.’ We proceeded to the Heron Islands, so called from the immense flocks of birds of that name which frequent them. The first we called St. Clement’s, the second St. Catharine’s, the third St. Cecilia’s. We landed first on St. Clement’s, to which, on account of the gradual inclination of the shore, there was no access except over a beach. Here the maids, who went on shore for the purpose of washing, were near being drowned by the upsetting of the boat, to the loss of a

great part of my linen; no small privation in these parts.

“This island abounds with cedar, sassafras, and herbs and flowers suitable for salads of every kind. It bears likewise a wild nut, with a thick, hard shell, and a kernel, small, but exceedingly grateful to the taste. Since, however, it was only four hundred acres in extent, it did not appear to be a location sufficiently ample for the new settlement. Nevertheless, a place was sought for building a fort for the protection of our borders, this being the narrowest part of the river.

“On the day of the annunciation of the Holy Virgin Mary, the 25th of March, in the year 1634, we offered in this island, for the first time in this region of the world, the sacrifice of the mass. The sacrifice being ended, we took upon our shoulders a huge cross, which we had hewn from a tree, and carried it in procession to a place marked out for it, the Governor, Commissioners, and other Catholics, bearing a part in the ceremony. We raised it, a trophy to Christ the Savior, humbly chanting on bended knees and with deep emotion the litany of the cross.

“The Governor, understanding that many sachems are subject to the chief of Piscataway,

resolved to visit him, and explain the purpose of our coming, that, having gained his good will, a more easy access might be opened to the minds of others. Therefore, adding to our pinnace another, which we had bought in Virginia, and leaving the ship at anchor at the Island of St. Clement, he bent his course towards the southern shore of the river, ascending it at the same time. The Indians he ascertained had fled into the interior ; but he advanced to a town called Potomac, from the name of the river.

“The King being yet but a boy, his uncle, called Archihu, governed in his name, a man of grave and prudent character. To Father John Athan, who went as the companion of the Governor, (for he left me with the baggage,) he willingly gave ear while explaining, through an interpreter, certain things concerning the errors of the heathen, now and then acknowledging his own. And when informed that we had not come thither for the purpose of war, but for the sake of benevolence, that we might imbue a rude race with the precepts of civilization, and open a way to heaven, as well as furnish them with the commodities of remote regions, he signified that we had come acceptably. The interpreter was one of the Protestants of Virginia. As there was no time to enter into a long discussion, the father promised that he

would return before long. 'This is agreeable to my mind,' said Archihu; 'we will use one table; my attendants will hunt for you, and all things shall be common between us.'

"After this we went to Piscataway, when all flew to arms. About five hundred men stood on the shore with their chief equipped with bows. Signs of peace were made to them, and the chief laying aside apprehension came on board our pinnace, and our intentions being understood to be benevolent, he gave us leave to settle in whatever part of his territory we might wish.*

"In the mean time, while the Governor was absent on his visit to the chief, the savages at St. Clement's waxing bolder mingled more freely with our guards, for we kept watch day and night, that we might defend from sudden attacks our wood-cutters, as well as the brigantine, which we were constructing with planks and

* It would seem that this chief was as cautious about committing himself, as any modern politician could be in a matter of doubtful expediency. "When demanded by the Governor, whether he would be content that he and his people should set down in his country, in case he should find a place convenient for him, his answer was, *that he would not bid him go, neither would he bid him stay, but that he might use his own discretion.*" Relation of Maryland, p. 4.

timbers which we had brought with us. It was amusing to hear them examining every thing. In the first place, where in the world did so large a tree grow, from which so huge a ship could be hewn, for they conceived that it was cut from the single trunk of a tree, after the manner of a canoe. Our larger cannon struck them with amazement, as they were much louder than the twanging of their bows, and equal to thunder.

“The Governor had taken as his attendant in his visit to the chief Captain Henry Fleet, a resident of Virginia, a man much beloved by the savages and acquainted with their language and settlements. At first he was very friendly to us; afterwards, seduced by the evil counsels of a certain Claiborne, who entertained the most hostile dispositions, he stirred up the minds of the natives against us with all the art of which he was master. In the mean time, however, while he remained as a friend among us, he pointed out to the Governor a place for a settlement, than which Europe cannot show a better for agreeableness of situation.

“Proceeding from St. Clement’s about nine leagues towards the north, we entered the mouth of a river, which we named St. George. The course of this river is south and north, and has a salt taste twenty miles from its mouth, not unlike the Thames. Two bays appear at its

mouth, capable of containing three hundred of the largest ships. One of the bays we consecrated to St. George, the other, more inland, to the Blessed Virgin Mary. The left bank of the river was the residence of the King of Yoacomico. We landed on the right, and, having advanced about a thousand paces from the shore, we gave the name of St. Mary to the intended city; and, to avoid all appearance of wrong or hostility, by giving in exchange axes, hatchets, hoes, and a few yards of cloth, we bought thirty miles of territory, to which we gave the name of Augusta Carolina."

The above extracts from the letters of Father White give a connected account of the voyage and the landing of the colonists. These letters, as we have before remarked, are by far the most precious and interesting documents that have come down to us concerning the early days of Maryland.

From other sources we learn that the landing was signalized by a pomp and ceremony appropriate to so important an event. The men were marshalled under arms upon the shore, while their volleys of musketry were answered by the cannon on board the ship. Thus the Maryland Pilgrims took possession of their new home, on the 27th of March, 1634.

CHAPTER VI.

Reception by the Indians. — Soil, Climate, and Productions. — Description of the Indians.

THE first thing they did on landing was to build a guardhouse for their defence, and a storehouse for the reception of the various articles of necessity and convenience, which they had brought with them. For themselves they found shelter in the huts of the Indians, who readily gave up a part of their town to their occupancy. One reason of the uncommon hospitality with which they were received, was, that the tribe who acknowledged the King of Yoacomico as their chief, being annoyed by the Susquehannocks, a more northern and a warlike tribe, were about to change their residence.

Father White goes on to account for their taking peaceable possession of an almost deserted town, and fields already brought under cultivation, in the following way. "The Susquehannocks, a tribe accustomed to war, and particularly troublesome to the Yoacomicos, by frequent incursions devastated all his land, and compelled the inhabitants through fear of danger to seek other habitations. This is the

reason why we so readily obtained a part of his kingdom ; God by these miracles opening a way for his law and for eternal life. Some emigrate, and others are daily relinquishing to us their houses, lands, and fallow fields. Truly this is like a miracle, that barbarous men, a few days ago arrayed in arms against us, so readily trust themselves like lambs to us, and surrender themselves and their property to us. The finger of God is in this, and he designs some great good to this people. Some few have granted them the privilege of remaining with us till the next year. But then the ground is to be given up to us unencumbered."

The colonists had every reason to be satisfied with their new abode. They had emigrated to one of the most beautiful countries in the world. The climate of Maryland is, perhaps, the most delightful on the American continent. It is a happy medium between the extreme heat of the south and the extreme cold of the north. The winters are mild, but the atmosphere is sufficiently bracing to nerve the system for the exhaustion of the warmer part of the year. The spring is calm, sunny, genial, and temperate ; the summer is magnificent in the luxuriance of its vegetation, and the frequency and grandeur of its thunder-storms,

which, though sometimes terrific, often cool the air, and relieve the monotony of a sky otherwise remarkably clear and serene. The autumn is delicious. Nothing can exceed the beauty of the forests, after the first frost has begun to change the color of the leaves. There is almost every variety of tree, and each is differently affected by the cold, thus producing the different shades of almost every color. After the leaves have fallen, then succeeds what is called, in North America, the *Indian summer*, a season more or less protracted, in which there is a peculiar balminess in the atmosphere, and mellowness in the sunlight. The more northern tribes had a fancy that it was produced by a wind from the south-west, which blew, it was said, directly out of Paradise.

The soil was especially favorable to a new colony, level, without undergrowth, easily cleared, and easily brought under cultivation. Indian corn and wheat, the great staples of subsistence, were raised without much labor, and in the greatest abundance. Their cattle needed little provision, either for food or shelter.

The colonists had brought with them from England sufficient bread-stuffs for their immediate consumption. They had taken pre-

caution to guard against want by a further purchase of Indian corn at Barbadoes. The woods were plentifully supplied with game, which they either bought of the natives, or procured for themselves by their better mode of hunting. Not only was there the greatest abundance of game, but the waters teemed with fish and oysters, which they might procure in any quantity. They arrived in season to plant corn for the coming year, and in this employment they immediately engaged. The crop was luxuriant, and a large quantity of corn was, the next year, sent to New England, in exchange for salt-fish and other provisions. One month from the time of their landing, Father White thus writes ;

“ We have been here only one month, and so other things must be reserved for the next sail. This I can say, that the soil appears particularly fertile, and strawberries, grape-vines, sassafras, mast, walnuts, we tread upon in the thickest forests. The soil is black and soft, a foot in thickness, and lies upon a bed of rich red clay. Every where there are lofty trees, except where a thin population have here and there cultivated a field. Numerous springs afford abundance of water. No animals are seen, except deer, the beaver, and squirrels, which are as large as hares in Europe. There

is an endless number of birds of various colors, as eagles, herons, swans, geese, partridges. From all these things you may infer, that there is not wanting to this region whatever may serve for convenience or pleasure."

For a time, the settlers were joint tenants with the Indians of the town, which the Indians promised to abandon altogether, as soon as they had gathered their corn, a condition they faithfully performed. Their habitations are thus described by Father White ;

"They live in huts of an oblong, oval form, built nine or ten feet high. Light is admitted into them from a window in the roof, of a cubit in extent, which serves also for the escape of the smoke. In the centre they make a fire, and around it they sleep. The kings, however, and principal men, have to a certain extent their private apartments, and a bed supported by four posts driven into the ground, poles being laid across from one to the other. One of these huts has been assigned to me and my companion, in which we are accommodated sufficiently well for the time being, until more commodious residences shall be built. This was the first chapel in Maryland, although it had been the work of the Indians. By the next arrival, if God prosper our undertaking, we hope to receive those

things which are thought to be necessary to comfort in other houses."

The first thing of interest in the condition of the colonists, as they appear to us at this distance of time, is their relation to the Indian tribes, with whom they were brought in contact, from whom they purchased the soil, but whom they in fact supplanted, and finally exterminated. Though their intercourse with them was, perhaps, more blameless than that of any other English colony, the gradual disappearance of the aborigines, after the landing of the Europeans, is a sad but indisputable fact.

By an ingenious but convenient principle of the law of nations, it is established, that savages have not a full and indisputable title to the soil upon which they are born, and on which they live. It was competent, therefore, for the sovereigns of Europe, or even the Pope of Rome, to give away the lands of this western continent to whomsoever they chose, without even consulting the inhabitants. This right was conferred by the fact, that some commander of a ship had approached and seen for the first time a region, which had been in the possession of human beings, as far as can be ascertained, from the very earliest ages of the world! Whatever jurists may determine, the voice of unsophisticated justice, it is believed, will always

decide that this, after all, is no better right than that of the strongest.

Here was a people possessing the soil by a title which jurists do not dispute, that of cultivation and fixed habitations; and yet they found, that their lands had been given away by a King, whom they had never seen, with whose name and pretensions they were totally unacquainted, and whose very existence was to them entirely unknown. They sell thirty miles of their territory for a few axes and hatchets, and a few yards of cloth, and are *permitted* by the new possessors to remain till they had secured their corn!

The accounts given of them by early historians, and especially by Father White, are exceedingly interesting, not to say pathetic and affecting. They were a simple race, open, affectionate, and confiding, filled with wonder and admiration of their new visitants, and disposed to live with them as neighbors and friends, on terms of intimacy and cordiality. To the Europeans they seem to have been quite as much objects of curiosity as the Europeans were to them. To Englishmen coming from the midst of a civilization, which had been steadily progressive for a thousand years, the persons, manners, habits, and sentiments of the savages

of North America must have been objects of lasting astonishment.

In the letters of Father White, written soon after the landing, they are thus described ;

“ The natives are of tall and comely stature, of a skin by nature somewhat tawny, which, by daubing for the most part with red paint mixed with oil, to keep away the mosquitoes, they make more hideous ; in this, more intent on their comfort than on their beauty. They smear their faces also with other colors, from the nose upwards sea-green, downwards reddish, or otherwise of various colors, in a manner truly disgusting and terrific. And since they are without beards almost to the end of life, they make the representation of beard with paint, a line of various colors being drawn from the ends of the lips to the ears. They encourage the growth of the hair, which is generally black, and which they bind with a fillet, esteemed with them a great ornament, and hung round gracefully towards the left ear. They bear upon their foreheads the representation of a fish in copper. They encircle their necks with beads, strung upon a thread, after the manner of chains, though these beads begin to be more common with them, and less useful for traffic.

“ They are generally dressed in deer-skins, or

some such species of covering, which flows behind like a cloak. They are girded about the middle with an apron ; in other respects they are naked. Boys and girls, who have not reached the age of puberty, run about covered with nothing whatever. The soles of their feet being hard as horn, they tread upon thorns and thistles without injury. Their weapons are bows and arrows, two cubits long, pointed with buck-horn or a piece of sharpened flint-stone. They direct these with so much skill, that they can shoot a sparrow through the middle at a considerable distance. And in order to perfect themselves in archery, they throw up a thong in the air, and then transfix it with an arrow from their bowstring, before it falls to the ground. They cannot strike an object at a great distance, because they do not use a well-strung bow. By means of these arms they live, and daily through the fields and woods hunt squirrels, partridges, guinea-hens, and wild beasts ; for of these there is great plenty, though we ourselves do not venture as yet to provide food by hunting, through fear of falling into an ambuscade."

The testimony which follows is most interesting and important, as enabling us to form a just estimate of the original native Indian character ; what they were before they were

changed by either the vices or the virtues of civilization and refinement. It will confirm the melancholy conviction, derived likewise from almost every other experiment, that the coming of the Europeans, civilized as they were, and Christianized as they professed to be, was as fatal to the virtues as it was ultimately to the existence of the simple children of the forest. What was done by the pious zeal of the devoted missionaries, who accompanied the settlers, was as the small dust of the balance, when compared with the infinite wrongs inflicted upon the ignorant savages by the cupidity of their new neighbors. After a considerable time, Father White thus writes ;

“ This race is endowed with an ingenious and liberal disposition ; and, what may surprise you when it is stated, in acuteness of taste, smell, and sight, they even surpass Europeans. They live mostly on a pap, which they call Pone, or Omini, each of which is made of corn. They add sometimes a fish, or what they have taken, either beast or bird, in hunting. They keep themselves as much as possible from wine and warm drinks, nor are they easily induced to taste them, except in cases where the English have infected them with their vices. I have not observed in man or woman, I confess, as far as relates to chastity,

any action which might savor of levity, notwithstanding they are with us and among us daily, and are glad to enjoy our society. They come of their own accord, with a cheerful countenance, and offer whatever they have taken in hunting or fishing; victuals also at times, and oysters boiled or roasted; nor, to induce them to do so, need they many kind words uttered in their vernacular tongue, the meaning of which, by signs, we have discovered. Notwithstanding they have many wives, they keep conjugal faith inviolate. The countenances of the women are grave and modest. Upon the whole, they cultivate generous minds; whatever kindness you confer they repay; they determine nothing rashly, or with a sudden impulse of mind, but with reflection, so that, when any thing of moment is proposed, they are for a time silent; then they answer briefly, Yes, or No, and are very firm of their purpose.

“Such a race, surely, if once they are imbued with Christian precepts, (and I see nothing, indeed, to hinder it, except our want of acquaintance with the languages spoken in these regions,) will become worthy promoters of virtue and humanity. They are possessed of a wonderful desire of civilization and of the refined intercourse of the Europeans, and would long ago have adopted their mode of dress,

had not the avarice of the traders prevented it, who do not sell cloth except for beavers. Every one cannot hunt the beavers. God forbid that we should ever imitate such avarice!

“Ignorance of their language makes it, as yet, impossible for me to assert what are their religious opinions, for we have not full confidence in Protestant interpreters. These few things we have learned at different times. They recognize one God of heaven, whom they call our God; they pay to him no external worship, but endeavor to propitiate a certain evil spirit, which they call Okee, by every means in their power. They worship corn and fire, as I am informed, as gods wonderfully beneficent to the human race. Some of our people relate that they have seen this ceremony in a temple at Barcluxor.

“On an appointed day, all the men and women, of all ages, from many villages assembled around a great fire. Next to the fire stood the younger people, behind them the more advanced in life. A piece of deer’s fat being then thrown into the fire, and hands and voices being lifted towards heaven, they cried out, ‘Taho! Taho!’ Then they cleared a small space, and some one produced a large bag; in the bag were a pipe and a kind of powder which they call Potu. The pipe was such

a one as our countrymen use for smoking tobacco, but much larger. Then the bag was carried around the fire, the boys and girls singing, with an agreeable voice, ‘Taho! Taho!’ The circle being ended, the pipe was taken from the pouch with the powder. The Potu was distributed to each of those standing around, which he put into the pipe and smoked, breathing over his several limbs, and sanctifying them, as he supposes. I have not been able to learn more than that they appear to have some knowledge of the flood, by which the world perished because of the sins of mankind.”

CHAPTER VII.

Harmony with the Indian Tribes. — Missionary Operations. — Success of the Missions.

THE best feelings seem to have been cultivated between the colonists and the natives for a long time, with some slight interruptions. A few days after their arrival, Governor Calvert received a visit from Governor Harvey of Virginia. From this circumstance we may infer, that he did not partake of the feelings of hos-

tility, which were cherished by his colony towards the Maryland enterprise. This is confirmed by his subsequent conduct in the case of Claiborne. During this visit, which lasted a few days, Governor Calvert made an entertainment for some of the chiefs of the neighboring tribes.

Among others the King of Patuxent was a guest. To do him special honor, he was placed between the Governor of Virginia and the Governor of Maryland. This was in the cabin of the ship. A Patuxent Indian, coming on board, and seeing his King thus seated, was alarmed, and refused to enter the cabin, and would have leaped overboard, had not his King assured him that he was free. The two principal of these chiefs were the Kings of Patuxent and Yoacomico. Before the King of Patuxent returned home, he made the Indians a speech, in which he exhorted them to be faithful to their engagements with the English. When he took leave, he used the following remarkable language; "I love the English so well, that if they should go about to kill me, if I had so much breath as to speak, I would command the people not to revenge my death; for I know they would do no such thing, except it were through my own fault."

The Indians of Maryland seem to have been

neither numerous nor warlike. The Susquehannocks were the only tribe that appears to have been either powerful or enterprising. The other tribes were small, and in territory, with the exception of the Piscataoes, very circumscribed. Father White thus speaks of them; "When rulers and kings are spoken of, let no one form an august idea of men such as are the different princes of Europe. For these Indian Kings, though they have the most absolute power of life and death over their people, and in certain prerogatives of honors and wealth excel others, nevertheless in their personal appearance they are scarcely in any thing removed from the multitude. The only peculiarity by which you can distinguish a chief from the common people, is some badge, either a collar made of a rude jewel, or a belt, or a cloak ornamented with circles of shells. The kingdoms of these chiefs are generally confined to the narrow boundaries of a single village and the adjacent country." One, whom he mentions by the name of Fayae, had a much more extensive domain, reaching to a hundred and thirty miles, with many inferior chiefs as his subjects.

The principal tribes, of which the early colonists speak, were the Wicomacoes, among whom they settled, the tribe of Piscataway,

of Pascatoe, situate, it is now not known precisely where, at a distance of one hundred and twenty miles from St. Mary's, and that of Patuxent, residing probably on the river of that name. Among these tribes were expended the labors of the Catholic priests, who came with the settlers as missionaries. At first their ministrations were confined to the tribe, whose town they occupied, and to the colonists themselves. For four years, and previous to 1638, it was not thought safe by Governor Calvert and his Council for them to reside among the Indians. Of their exertions and success Father White thus writes in 1638 ;

“ So far as concerns the Catholics, such is the attendance on the sacraments here, that there is not greater among Europeans, in proportion to the number of the Catholics. On each Lord's day, there are catechism for the more ignorant, and catechetical lectures for the more advanced ; but on festivals, the audience being more thin, these are omitted. We have this year rendered every aid to the sick and dying, who have been very many and much scattered about, so that not one when dying has been destitute of the sacraments. We have buried many, we have baptized not a few. And although frequent causes of discord are not wanting, no one of any moment has occurred

for the last nine months, which we have not immediately allayed."

These devoted men did not confine their labors to the performance of their professional functions; they discharged more general duties of mercy and philanthropy. What follows, moreover, goes to show that the introduction of slaves, in the colony of Virginia at least, preceded by seven years that of negroes; that their employment as slaves was in that age thought no barbarity; and the whole difficulty of their emancipation, which is now one of the most embarrassing problems in the prospects of this country, has arisen solely from the difference of race and color. Had the slaves *all* been white, as *some* of them were, their posterity at this hour would have been freemen; they would have been amalgamated with the mass of the population, and all traces of their servitude obliterated.

"By the kindness of God," says the worthy priest, "we have this comfort, that as yet no vices have sprung up among the new Catholics, although places of this kind are not expected to be settled by the best kind of men. The two Catholics, who sold themselves into servitude in Virginia, we have redeemed; nor was our money thrown away. Both of them have here conducted themselves like good Christians,

and one of them is conspicuous for the excellence of his character. The same work of charity not a few others have performed, buying thence Catholic servants, of whom there is plenty there; for to each of the colonists many have sold themselves as servants, who, since they live among men who set them the very worst example, and are themselves without spiritual aid, for the most part make shipwreck of their souls."

This year, 1638, there was a large immigration from the mother country. A portion, as before, of the new settlers were Protestants. The missionaries found employment in converting them to the Catholic faith. Concerning them Father White writes thus; "Of the Protestants, who have come hither this year from England, almost all, besides many others, have been converted to the faith." In another place, in narrating the transactions of this year, he says, "By spiritual exercises we have formed several of the principal men to piety, a fruit not to be repented of." Again, the next year, "To the hope of the Indian harvest are to be added also no mean fruits, reaped from the colony and its inhabitants, to whom on the principal festival sermons are preached, and on the Lord's day catechetical expositions are given. Not only Catholics come in crowds, but

also very many heretics, not without reward to our labors, for this year twelve in all, wearied of former errors, have returned to favor with God and the church. Our people cease not daily to engage in their divine employment, and to dispense the sacraments to those that come, as often as circumstances demand. In fine, to those in health, to the sick, to the afflicted and the dying, we strive to be in season for counsel, for relief, and assistance of every kind."

In 1638, the colony had become so large, and was so much diffused over the province, that it was thought safe for the missionaries to reside among the Indians. A plantation was given them by the Patuxent tribe, probably near the big Patuxent River, called Metapaunien. Here they established a missionary station, built a kind of storehouse, and made it the starting point of their various expeditions into the interior of the country. Their travelling seems generally to have been done by water, the Potomac River and the Chesapeake Bay, with its numerous inlets, making this the most ready means of transportation from place to place. Their mode of voyaging is thus described ;

"The following is the manner of making an excursion. We are carried in a pinnace or galley, the party consisting of the father, a servant, and an interpreter. Two of them

propel the boat when the wind fails, or is adverse ; the third steers with the helm. We take with us a little chest of bread, butter, and cheese, corn, cut and dried before it is ripe, beans, and a little flour ; another chest also for containing bottles, one for wine for the Eucharist, the other six filled with holy water for baptism ; a casket with the sacred utensils, and a table or altar for performing sacrifice ; and another casket full of trifles which we give to the Indians, to gain their good will, such as little bells, combs, fish-hooks, needles, and other things of this kind. We have, besides, a little tent, which we use when we are obliged to sleep in the open air, which is very often ; another and a larger one to defend us from the rains. The servants also carry other utensils, necessary for hunting, and preparing for food whatever they have taken in hunting.

“ In our excursions, we endeavor whenever we can to reach by evening some English house, or Indian village. If we fail to do so, we land ; and to the father falls the care of mooring the boat fast to the shore, then of collecting wood and making a fire, while, in the mean time, the others go and hunt ; so preparation is made for cooking whatever they bring in. If they are unsuccessful, we refresh ourselves with food, lie down by the fire, and

take our rest. If rain threatens, we build a hut, cover ourselves with a thicker blanket; nor, thank God, do we less enjoy this humble fare and rough lodging, than we should the more luxurious usages of Europe. We are continually comforted by the thought, that God is now imparting to us some foretaste of that enjoyment, which he will hereafter bestow on those who have faithfully labored in this life, and assuages our trials with even a species of delight; so that, on the whole, the divine Majesty seems in a special manner to be present with us."

The Catholics have generally been successful as missionaries among the heathen. Their peculiar dress and imposing ceremonies are found to make a deep impression upon the minds of savages. Their celibacy, self-denial, and entire devotedness to their official duties, give barbarians a high idea of their peculiar sanctity. The mysteries which they inculcate have a charm for the wonder-loving imaginations of the rude sons of the forest, and their personal watchfulness over the daily conduct of their converts tends to secure whatever influence they once acquire. The history of the world does not afford instances of greater self-sacrifice, than has been exhibited by the Catholic missionaries in heathen lands.

In Maryland, they displayed the same zeal and enterprise which have ever characterized their order, and their success, we have reason to believe, was as great as could have been expected, considering the disadvantages under which they labored, their ignorance of the language, and the demoralizing intercourse which always takes place between a race of less intellectual development, and another of more intelligence.

Within five years of the landing of the colonists, we find them scattered over the province, and making excursions to every part of it. They took their stations among the most powerful tribes, and attempted first of all to convert to Christianity their chiefs and principal men. In this they were often successful, though sometimes they totally failed.

CHAPTER VIII.

Further Details of the Missionary Enterprises. — King Tayac and the Pascatoes. — Baptism of Tayac. — Influence of the Missionaries.

To give some general idea of the operations of the missionaries, the following extracts are

made from Father White's letters or journal. Under date of 1639, he thus writes.

"There are employed in this mission four priests and one lay assistant. All are in places far distant, to the end that they may, in this manner, sooner gain a knowledge of a strange language, and propagate more widely the sacred faith of the gospel. Father John Brook, the superior, with a lay brother assistant, remains at the plantation Metapaunien, which was given us by Maquacomenus, the King of Patuxent, which is a sort of storehouse of this mission, whence most of the supplies of our personal wants are obtained. Father Philip Fisher lives in the principal town of the colony, to which the name of St. Mary is given. Father John Gravener lives on Kent Island, about sixty miles distant. Father Andrew White is distant still further, one hundred and twenty miles, at Kittamaquindi, the metropolis of Pascatoe, having resided in the palace with the King of the place himself, whom they call Tayac, since the month of June, 1639. The cause of the father's going thither was on this wise.

"He had bestowed much time and labor on the conversion of the King of Patuxent, which, indeed, was expected by us all with much solicitude, as well on account of his kindness to us, (for it was he who gave to the society the

farm spoken of above,) as his great reputation for wisdom, and his influence among the savages. Already some of his people had connected themselves with the fold of Christ, and he himself appeared abundantly instructed in the first principles of the faith; when, lo! unhappy man, he first procrastinated, then began by degrees to grow indifferent, and finally in an open manner to break off the design he had commenced. Nor this only, but he also gave indications, not to be mistaken, of a mind entirely alienated from the whole colony. The Governor, suspecting his purposes, by advice of his friends prudently determined that the father was to be recalled from the hospitality of the King, lest unexpectedly the barbarian should give some example of his perfidy and cruelty against an innocent man, or indeed lest this hostage, as it were, being left with the King, the Governor might be hindered from being able to punish injuries, if at any time the Patuxent should discover himself an enemy.

“The salvation of Maquacomenus being despaired of, Father White betook himself to Tayac, and, being treated by him with the utmost cordiality from the first interview, so attached the man to him, that he was afterwards held by him in the greatest affection and veneration; of which this is the strongest

proof, that he would suffer the father to use no other hospitality than that of his own palace. Nor did the Queen yield to her husband in attachment to their guest, for with her own hands (which thing the wife of our own treasurer does willingly) she is accustomed to prepare meat for him, and bake bread with no less care than labor.”

Although the name of the tribe and kingdom of Tayac is given in the Latin of Father White's letters as Pascatoe, there can be but little doubt that it was the same name which is now called Patapsco. This tribe, in all probability, inhabited the country on both sides of the Patapsco River, comprehending what is now Baltimore and Anne Arundel counties. This is probable, both from the name and the neighbors of the tribe. They bordered at the north upon the Susquehannocks, who must have inhabited Harford county, and on the south upon the Patuxents, who resided on the Patuxent River. The distance, too, from St. Mary's corresponds very nearly to the truth, which is stated in round numbers at one hundred and twenty miles. The territory of this tribe is given as one hundred and thirty miles in extent. Being in the centre of what is now the state of Maryland, the kingdom of Tayac

must have embraced no inconsiderable portion of its whole surface.

The site of Kittamaquindi, the capital of the kingdom of Pascatoe, or Patapsco, it is impossible at this day to determine. It might have been near the spot where Baltimore now stands. It could not have been very distant from it. It might have occupied the same ground, and, if so, the unconscious inhabitants of that city are daily walking over the seats of ancient Indian glory and splendors.

But whatever the situation of Kittamaquindi may have been, it was the scene of an event in the early days of Maryland, which must have been then considered important and august, the baptism of Tayac. To grace this ceremony, Governor Calvert and the principal men of the colony made a journey into the wilderness. The baptism of Pocahontas has been the subject of romance and of painting. It was a striking transaction to the colonists of Virginia, and interesting in its consequences, as it secured to them the friendship of Powhatan, the most powerful of the native chiefs, with whom they were brought in contact.

No less important to the Maryland colony appears to have been the conversion and baptism of Tayac, as he wielded a greater power

either to protect or destroy the infant settlement, than any other man within their borders. History has preserved the one; the other has been permitted to pass into oblivion.

It has been remarked of the early times of the Maryland colony, that they were distinguished for great tranquillity. Ramsay, in his *History of the United States*, has observed, that "its internal peace, in the period of its infancy, was but little disturbed, either by Indians or insurgents, though not wholly exempt from either." The impartial historian must acknowledge, especially since the discovery, at Rome, of the correspondence of the missionaries, that, as far as we may judge at this remote period, much of their quiet and security must be attributed to the labors and influence of these devoted ministers among the surrounding tribes. There they seem to have spent their lives; and although the measure of Christian attainment among the savages may have been small, and they arrived at a slight degree of civilization before they were displaced or destroyed by the encroachments of the white race, the missionaries at least may have prevented or mitigated those cruel and sanguinary wars, which afflicted and almost depopulated some of the other settlements on this continent.

Father White goes on to narrate the circumstances attending the conversion of Tayac.

“The cause of this remarkable affection for the father is to be referred to two dreams, unless you choose to honor them with another name. One of these occurred to Uwan, the full brother of the chief, and who reigned before him, but whom he had slain. In his sleep he seemed to see Father White and Father Gravener before him, and moreover to hear a voice admonishing him; ‘These are the men, who from the soul loved him and his tribe, and had brought with them those blessings, by the aid of which he might be made happy if he chose.’ From this vision, so lively an image of these unknown men was impressed upon his mind, that he recognized them when they came at first sight, and immediately embraced them with the strongest affection. He was even accustomed to call Father White his parent; and although the whole tribe have the most marked attachment to their offspring, and can scarcely be separated from them, he was willing to intrust his son, whom he tenderly loved, to him for seven years, in order that he might be educated.

“The other dream occurred to Tayac, which he often used to relate. While he was sleep-

ing, there appeared to him on one side his father, now deceased, accompanied by the god he worshipped, of a dark color, beseeching him not to desert him ; near him, with a god of most hideous aspect, a certain Snow, an obstinate heretic from England. On the other side were seen the Governor of the colony and Father White, accompanied like the others by a god, but exceedingly beautiful, excelling the snow in whiteness. He seemed winningly to beckon the chief to him. From that time he treated both the Governor and the father with the greatest affection.

“ Not long after the coming of Father White to his palace, Tayac fell sick of a severe and dangerous disease, and after forty conjurers had in vain tried every remedy, the father, by permission of the sick man, administered to him medicine, a certain powder mixed with holy water, and the next day procured him to be bled by a boy, whom he had with him. From this time he began daily to improve, and not long afterward entirely recovered. Restored from the disease, he resolved of his own accord to be initiated as soon as possible into the Christian rites, and not himself alone, but his wife and two daughters, as he had as yet no male offspring. Father White is now diligently engaged in their instruction, nor are

they slow to receive the heavenly doctrine, for, by light shed upon them from above, they have long since become sensible of the errors of their former life.

“The King has laid aside the skins in which he was formerly clothed, and adopted garments made after our fashion; he takes pains likewise to learn our language. He is greatly delighted with spiritual conversation, and indeed seems to esteem earthly wealth as nothing in comparison with heavenly, as he told the Governor when the latter was explaining to him what great advantages might be derived from the English by a mutual exchange of merchandise. ‘Verily I consider these as trifling, when compared with this one advantage, that by their aid I have arrived at the true knowledge of the one God, the most important of all knowledge.’ So, not long since, when he held a convention of the empire, in a crowded assembly of the chiefs, Father White and some of the English being present, he publicly declared, that it was his advice, as well as that of his wife and children, that the superstition of the country ought to be abolished and Christianity adopted, for no where else than among the Christians can be obtained the knowledge of the true God, and in no other way can the immortal soul of man

be saved from death; but that stones and herbs, to which through blindness of mind he and they had hitherto paid divine honors, are the humblest of the things created by Almighty God for the use and relief of human life.

“ So saying, he placed a stone, which happened to be near him, on his foot, and tossed it to a great distance. A murmur of applause from the people sufficiently indicated, that they did not hear these things with unwilling ears. But the greatest hope is, that when the family of the King is cleansed by baptism, the conversion of his whole people will speedily take place. In the mean time, we heartily thank God for this joyful commencement, and are especially encouraged when we daily behold the idols to be the contempt of the natives, which were before reckoned among deities.”

Not long after this, Father White paid a visit to the colony, accompanied by Tayac, now nearly confirmed in the faith. In the colony they were long and hospitably entertained. The chief was much delighted with his visit and the attentions he received. From what he saw he was favorably inclined to the English and their religion. But most of all was he impressed with the power and efficacy of their religion and its rites, by witnessing

the execution of a criminal, an Indian, who had been condemned to death for murder.

The priests endeavored to prepare him for death in the Catholic manner, by the use of the sacraments. Tayac, being interested in the case, offered his assistance as interpreter. The Indian, after due preparation, submitted to death with great composure, and even, as it would seem, with a measure of alacrity. The narrator proceeds to relate, that "no one was more vehemently moved by the sight of the dying neophyte than Tayac, who afterwards requested that in like manner he should receive the gift of baptism. The thing being considered in council, it appeared that it would be for the greater glory of God, if it were deferred a little, till it could be performed with suitable magnificence and greater solemnity, his wife and children likewise being made partakers of the joy of so imposing a ceremony.

"At length the chief, entirely won over by the overflowing kindness of the Catholics, and much delighted with their prolonged hospitality, returned home accompanied by the same Father White, who, so soon as he arrived, gave orders to his people to prepare a chapel against the next Pentecost, the time appointed for the baptism. On that day, at Kittamaquindi, the Governor and the most distin-

guished men of the colony proposed to honor by their presence, and by whatever means they might, the Christian sacraments and the second better birth of Tayac."

The next year, 1640, the father thus writes; "In this mission the present year we have four priests and one assistant. We stated last year the hope we had conceived of converting Tayac, or the King of what they call Pascatoe. In the mean time, such is the goodness of God, the result has not fallen short of our anticipations, for he has joined our faith; some others also being brought over with him; and on the 5th of July, 1640, when he was sufficiently instructed in the mysteries of the faith, he received with due solemnities the sacramental water in a little chapel, which he had built of bark after the Indian manner for that purpose, and for divine worship. At the same time his Queen, with an infant at the breast, and others of the principal men, whom he especially admitted to his councils, together with his little son, were regenerated in the baptismal font.

"To the chief, who was called Clitomacheu before, was given the name of Charles; to his wife, that of Mary. The others, in receiving the Christian faith, had Christian names allotted to them. The Governor was present at the

ceremony, and also his Secretary and many others; nor was any thing wanting in display, which our means could afford. In the afternoon, the King and Queen were united in matrimony in the Christian manner, and then the holy cross, of great size, was erected, in carrying which to its destined place, the King, Governor, Secretary and others, lent their shoulders and hands, two of us in the mean time chanting before them the litany in honor of the Blessed Virgin."

Such were the labors and such was the success of Father White and his associates among the Indian tribes, in the early days of the colony of Maryland. The earnestness, the devotion and self-denial, with which these Catholic missionaries gave themselves up to the great enterprise of the conversion and civilization of the savages, remind us strongly of the like undertaking of the Puritan John Eliot, called the Apostle to the Indians, who, a few years before this period, had emigrated from England to the Massachusetts colony, and settled over a congregation in Roxbury; but a few years after, he abandoned his parish, and spent his life among the aborigines. With views of Christianity as wide apart as possible, there were a zeal and singleness of purpose in both, which put the sincerity of both beyond a question.

Governor Calvert found in these missionaries, without doubt, most powerful auxiliaries in maintaining the peace and prosperity of the colony under his charge. They had access, it would seem, to nearly all the tribes, and made considerable impression on most of them. They had stations in the principal Indian villages, and visited them from time to time. Soon after the baptism of Tayac, he sent his daughter to St. Mary's to be educated. One of his head men was likewise desirous of having his family educated in the Christian religion. The King of the Anacostans, a tribe situate in the neighborhood of the settlement, was anxious to come and live among the English as one of them. The Queen of the Piscataways, a tribe on the Potomac, opposite to what is now Mount Vernon, was converted at this time, and received baptism. Of the condition of things at this time, 1640, Father White thus writes.

“There are other villages lying near, which, I doubt not, if any one would impart to them the word of eternal life, would run promptly and joyfully to the light of gospel truth. But it does not seem right for us to bring new converts to the truth, lest we might neglect the tender flock we already have. Nor need

those who are sent to assist us fear lest means of living be wanting, when He who clothes the lilies, and feeds the fowls of the air, will not suffer those, who are laboring to extend his kingdom, to be destitute of necessary sustenance.

“ To Father Philip Fisher, who now resides at St. Mary’s in the colony, nothing could have happened more agreeable than to labor in the Indian harvest, if he had been permitted by his own people, who could not forego his services. His reward, however, has been correspondent to his will, for, while those of whom we have spoken above, among the Indians, are cleansed by the waters of baptism, many at the same time by his active industry are brought back from heretical depravity into the bosom of the church. The Catholics, who live in the colony, are not inferior in piety to those who live in other countries, but in urbanity of manners, according to the judgment of those who have visited other colonies, are considered superior.”

CHAPTER IX.

Interference of Claiborne in the Affairs of the Colony. — His Claim to Kent Island. — Attempts by Force to retain Possession. — Excites civil War. — Is defeated and banished.

We now return from ecclesiastical to civil affairs, and from the Indians to other neighbors of the colonists, who, though more civilized, were not disposed to be so peaceful.

Previously to the arrival of Governor Calvert, the Island of Kent, situated nearly in the centre of the province granted to Lord Baltimore, had been occupied by one Claiborne. He had likewise established a station for trade with the natives near the mouth of the Susquehanna. From this man, though of the same blood, and belonging to a civilized nation, Calvert experienced more trouble, during his administration, than from all the savage tribes. Indeed, he was the first to disturb the harmony, which was at the commencement so happily established between the colonists and their confiding neighbors.

Not long after the landing of the adventurers, while they were building habitations for the coming winter, still occupying the old Indian

town with the natives, they perceived in them an entire change of demeanor. The supply of provisions was suddenly stopped, familiarity was withdrawn, and their previous open bearing was changed to suspicion and distrust. The English became alarmed, abandoned their building, and betook themselves to the means of defence.

To guard against sudden surprise, they built a fort, and then resumed their former occupations. Gradually the Indians renewed their intercourse, and treated their new friends with the same confidence as ever. This caprice of the Indians, mysterious at first, was afterwards explained. Claiborne had persuaded them that the colonists were Spaniards, come to rob and destroy them, and, as proof of his assertion, had referred to the similarity of their religious rites.*

As this man was the source of most of the difficulties experienced by the Maryland colony under the administration of Calvert, it will be

* The writer of the "Relation of Maryland" says, "One Captain Claiborne, who had a desire to appropriate the trade of those parts unto himself, began to cast out words amongst the Indians, saying, that those of Yoacomaco were Spaniards and his enemies, and by this means endeavored to alienate the minds of the natives from them, so that they did not receive them so friendly as formerly they had done. This caused them to lay aside all other works, and to finish their fort, which they did within the space of one month." p. 10.

proper here to go into his history and that of his pretensions to resist the occupancy of Lord Baltimore, more at large.

William Claiborne had belonged originally to the colony of Virginia. Of his personal character little now is known. Of his enterprise, the two settlements which he made in the Chesapeake Bay are sufficient evidences; of his education and standing in society, there is proof in the fact that he was appointed, in 1625, by the King, Secretary of State for the colony of Virginia, and his commission speaks of him as "a person of quality and trust." Of his energy and perseverance we have no reason to doubt, when we learn, that, unsupported either by Virginia or the government at home, he contrived, for nearly twenty years, to keep the Marylanders in a state of perpetual disquiet.

The claim of Claiborne to any part of the soil of Maryland rested, in fact, on the license he had obtained, first of the colonial government of Virginia, and afterwards of the King, to trade with the natives. From the colonial government he obtained his permit in 1626 and the two following years, with authority to explore the source of the Chesapeake, or any part of the territory of Virginia between the thirty-fourth and forty-first degree of north latitude. When he effected an actual settlement is not known.

Just at this time, Lord Baltimore made his visit to Virginia, and, it is said, himself explored the Bay of Chesapeake ; and, in all probability, he made known his intention of obtaining a grant of territory bordering upon it. This must have alarmed Claiborne for the settlements which he either had made or intended to make in the territory which he considered as belonging to Virginia. To secure himself still further, or to anticipate Lord Baltimore, it is not now known which, he obtained from King Charles himself a license to trade in all the seas, coasts, harbors or territories in or near those parts of America, for the sole trade with which there had been no previous grant from the crown. Claiborne had considered his settlements, wherever made, to belong to Virginia, and they had been represented as such by sending burgesses to the Assembly of that province.

What part he had acted in getting up the petition to the King against Lord Baltimore's charter is not now known ; but it is probable. that it had been an active one, for there was no other person to whom the phrase "being the places of their traffic" could apply but to him, there being at that time no places of traffic but his own. The right to traffic, however gave him no permanent right to the soil, or claim to jurisdiction over it. Nor could

he rest his title on the ground of prior occupancy, as his license from the King went no further than a permission to trade, which might have been granted to a citizen of a foreign state.

The only possible ground, upon which he could justify his resistance to the jurisdiction of Lord Baltimore, and his brother and representative, Leonard Calvert, was the plea that Maryland, at least so much of it as would comprehend Kent Island, belonged still to Virginia, had been embraced in charters formerly granted to her, and that the grant to Lord Baltimore was illegal, and in consequence null and void.

The history of the different charters to the colony of Virginia is briefly this. The whole continent of North America had been called Virginia since the attempt of Raleigh to colonize it, in the reign of Elizabeth, he having given it that name in compliment to his royal mistress. After the abandonment of his settlement, nothing more was done till 1606. In that year, James the First chartered two companies, one called the London Company, which was required to make its settlement between the thirty-fourth and forty-first degrees of north latitude, which included what is now the state of Maryland. The other, called the Plymouth and Exeter Company, was permitted to make settlements between the thirty-eighth

and forty-fifth degrees, including likewise the territory afterwards granted to Lord Baltimore; but neither company was permitted to make any settlement within one hundred miles of a previous settlement made by the other. Such an arrangement as this could not of course have been intended to be permanent, as territorial jurisdiction could not have been granted to either. The King could not therefore have intended to tie up his own hands from any other disposition of this part of his dominions, the ownership of whose soil, according to principles then received, rested in him.

Accordingly, in 1609, King James had no hesitation in making a new arrangement. He granted a new charter to the southern company, under the name of "The Treasurers and Company of Adventurers of the City of London for the First Colony of Virginia." In this company was vested the right of soil and jurisdiction over a territory two hundred miles in extent each way along the coast from Point Comfort. This charter likewise of course comprehended nearly or quite the whole of Maryland. In 1611, another charter was granted, not varying the above limits on the continent, but embracing all the islands, with three hundred leagues of the coast. In 1624, this charter was annulled by the highest judicial authority of England.

By the destruction of this charter, the right of soil reverted to the King, according to the principles of the feudal system; and he was at liberty to dispose of it afterwards, as he chose, to new companies, and in what portions it suited him. Until 1624, the right to settle and govern Kent Island rested in the colonial government of Virginia, and after that period, until some other disposition was made of it. It was competent for the authorities of Virginia to grant to Claiborne a license to trade in the territory formerly theirs by charter, and now under their jurisdiction, as subordinate to the royal authority.

But the instant that the territory, now Maryland, was granted by King Charles to Lord Baltimore, Kent Island and Claiborne became bound in allegiance to him. The only question which could be raised was, as to the legality of the recall of the former grant by King James, whether it had justly been forfeited by the company, and whether the case had been fully made out. This had been decided in the affirmative by the highest judicial tribunal. The resistance, therefore, of Claiborne to the authority of Lord Baltimore was unjustifiable, seditious, and subversive of all just government.

Anticipating trouble from this quarter, Lord

Baltimore had given orders previous to the sailing of the expedition from England, that, if Claiborne made any resistance to the authority of his brother and representative, Governor Calvert, he should be seized and punished. But that bold and determined man did not wait for any summons from his new master, or for any appeal to higher powers. He resolved to make war on his own account. In the spring of 1635, he fitted out a pinnace, and manned it with fourteen men, to try the title of the new Governor by the right of the strongest. He issued a special warrant or commission to a certain Lieutenant Warren, under his own hand, to seize and capture any of the pinnaces or vessels belonging to the government or colonists of St. Mary's. Among the fourteen was one Thomas Smith, "gentleman."

Such a proceeding as this would seem utterly incredible, were there not documents still extant which show the state of parties, the exasperated feelings of the Virginia colonists, and the violence of the times. We have already seen, that there was strong opposition to the charter of Lord Baltimore in Virginia; and the emigrants, as they approached Jamestown, on their way to their new seats, were doubtful of the reception they might meet. The hospitality

they experienced was evidently a surprise, and is attributed by Father White to policy, to the design of furthering some claim which was made by the colony upon the royal treasury.

Notwithstanding this fair exterior, and the visit of Governor Harvey, there is evidence that Claiborne did not act altogether without the countenance of the authorities at Jamestown. In March, 1634, a few days after the Maryland colony had sailed up the Chesapeake, the Governor and Council of Virginia held a consultation, as to the manner in which they were to treat their new neighbors. Claiborne was present as one of the Council. The record states, that "Captain William Claiborne requested the opinion of the board, how he should demean himself in respect of Lord Baltimore's patent, and his deputies now seated in the bay; for they had signified to Captain Claiborne, that he now was a member of that plantation, and therefore should relinquish all relation and dependence on this colony." It was answered by the board, that "they wondered why any such question was made; they knew no reason why they should render up the rights of that place, the Isle of Kent, more than any other formerly given to this colony by his Majesty's patent; and that the right of my Lord's grant in England being yet unde

terminated, we are bound in duty, and by our oaths, to maintain the rights and privileges of this colony. Nevertheless, in all humble submission to his Majesty's pleasure, we resolve to keep and observe all good correspondence with them, no way doubting that they on their parts will not intrench upon the interests of his Majesty's plantation."

Here is certainly expressed a determination, on the part of the Council of Virginia, to withhold for the present at least a surrender of the jurisdiction of the Isle of Kent from Governor Calvert and the authorities of Maryland, though no sanction for the violent measures Claiborne afterwards took. These must have been undertaken upon his own responsibility.

There is extant also the following rescript from a committee of the King's Council in England, which must have been seen by Claiborne, and perhaps emboldened him still further to attempt resistance to the Maryland charter. Writing to the Governor and Council of Virginia, they say, "After our hearty commendations, we have thought fit to let you know, that his Majesty, of his royal favor, and for the better encouragement of the planters there, doth let you know, that it is not intended that interests which men have settled when you were a corporation should be impeached, that

for the present they may enjoy their estates with the same freedom and privilege as they did before the recalling of their patents; to which purpose also, in pursuance of his Majesty's gracious intention, we do hereby authorize you to dispose of such portions of lands to all those planters, being freemen, as you had power to do before the year 1625." The date of this is July 22d, 1634, four months after the landing of the colony, and eight before the resort to force by Claiborne.

There is reason to suspect, but it cannot be proved, that Claiborne, though he finally acted on his own personal responsibility, received more substantial encouragement from Virginia than the determination of the Council recited above. It is difficult to imagine how a little trading station, which had been only a few years in existence, could equip a pinnace with an armament of fourteen fighting men. A colony of a hundred persons could hardly have done this. That they were all permanent residents we can scarcely believe.

However this might be, it is certain that Claiborne made preparation for a forcible resistance to Lord Baltimore's claim, under his charter, to the soil of Maryland. The only explanation that can be given of this rash attempt, is an exasperated state of personal

feeling, the fact that they were three thousand miles from the mother country, and some slight hope that seasonable and vigorous opposition might induce Governor Calvert and the colonists to abandon their enterprise, depending, as it did mainly, on the courage and perseverance of one man.

The crisis was met with decision and effect. Two pinnaces, called the *St. Margaret* and *St. Helen*, were fitted out, manned, and placed under the command of Captain Thomas Cornwallis, one of the commissioners for the province, and ordered to proceed to the Island of Kent, to put down the rising rebellion. The hostile pinnaces met in the River Pocomoke, on the eastern shore, on the 23d of April, 1635. The first fire, the Maryland authorities assert, was given by Claiborne's men, killing one William Ashmore, on board one of the Governor's pinnaces. The fire was returned, and three men killed on board the pinnacle of the insurgents, one of whom was Lieutenant Warren, the commander. Thereupon the pinnacle was captured, and the men made prisoners.

Thus, in a manner before the government was organized, the colonists were compelled in a measure to exercise the rights of peace and war, and the first blood that was shed after their arrival was not in contest with the savage

tribes, but of Englishmen fighting with Englishmen for the possession of the soil, to which neither of them had any rightful claim.

The prisoners must have created almost as much embarrassment as the war itself. There was no prison into which they could be put, there was no law by which they could be tried, and no courts constituted to try them. It was three years before Thomas Smith, the second in command, was brought to trial; and then the Legislative Assembly acted as a court of justice. He was convicted of felony and piracy, and condemned to death, with but one dissenting voice.

By the issue of this miniature naval engagement, the fate of Claiborne's settlement on Kent Island was decided for the present. He himself was not present in the action, and soon after escaped into Virginia. In consequence of the loss of their pinnace, as he afterwards states in his petition to the King, his colony was reduced to great distress for want of provisions; and this may go to show that it was merely a trading station, and not an agricultural one.

Understanding that Claiborne had fled to Virginia, Governor Calvert made requisition of Governor Harvey that he should be delivered up as a fugitive from justice. With this requisition Governor Harvey did not see fit to com-

ply ; but neither did he shelter Claiborne. He sent him home to England, with the witnesses, that his affairs might be adjusted there. That he appeared there as a criminal we have no evidence. We hear no more of him for three years.

In the mean time, the inhabitants of Kent Island, though deprived of their leader, and prevented from any strong demonstrations of insubordination, did not demean themselves as good subjects of the proprietary government. It was determined that they should be proceeded against by martial law, and that an expedition should be sent to reduce them to obedience, commanded by Governor Calvert in person. The order is recited in the following words.

“ The Governor and Council, taking into consideration the many piracies, insolencies, mutinies, and contempts of the government of this province formerly committed by the inhabitants of the Isle of Kent, and that the warrants sent lately into the said island, under the great seal of the province, for apprehending some malefactors, and to compel others to answer their creditors in their lawful suits of debt or account, were disobeyed and contemned, and the prisoners rescued out of the officer’s hands by open force and arms, have thought fit, that the Governor should sail in person to the said Isle of

Kent, and take along with him a sufficient number of freemen well armed, and then by martial law, if it shall be necessary, reduce the inhabitants of said island to their due obedience to the lord proprietary, and by death, if need be, correct mutinous and seditious offenders, who shall not, after proclamation made, submit themselves to due course of justice."

Previously to his departure, Governor Calvert deputed his secretary, John Lewger, to act in his place during his absence. Of the result of this expedition, no details are now preserved.

The next we hear of Claiborne is in England, in the year 1638. He then presented a petition to the King, complaining of his grievances, demanding redress, and offering his Majesty fifty pounds a year rent for the Island of Kent, and fifty pounds for his plantation at the mouth of the Susquehanna; and proposing to receive a grant of land, twelve leagues in breadth, on the banks of that river, and extending to the great lakes, and southerly down the bay, on both sides, to the ocean, to be held in fee of the crown of England, and having such privileges as it shall please his Majesty to grant.

In the preamble to his petition, Claiborne takes occasion to speak disparagingly of Lord Baltimore and his patent, and to represent himself in a light somewhat at variance from the

truth. He had obtained from the King *license to trade* with the Indians at certain places within the Chesapeake Bay. This, in the language of grief and resentment, swells into something much more important.

“The petitioners, by virtue of a commission under his Majesty’s hand, divers years past, discovered and did plant upon an island in the great Bay of Chesapeake in Virginia, by them named the Isle of Kent, which they bought of the kings of that country, and built houses, transported cattle, and settled people thereon, to their very great costs and charges, which the said Lord Baltimore taking notice of, and the great hope for trade of beavers and other commodities, like to ensue by the petitioners’ discoveries, hath since obtained a patent from your Majesty, comprehending the said island within the limits thereof, and sought thereby to dispossess the petitioners thereof, and debar them of their discovery.’”

He then recites, that the King had given orders that he should not be molested by Lord Baltimore, or any other pretenders, but that he and his agents have in a most wilful and contemptuous manner disobeyed the same, and violently set upon the petitioners’ pinnaces and boats, seized them, and still retain the same.

The King referred this petition to the com-

missioners of plantations, who reported thereupon, that the right and title to the Isle of Kent, and other places in question, belong absolutely to Lord Baltimore, and that no plantation or trade with the Indians ought to be within the limits of his patent without license from him. And as to the wrongs and violences complained of by the said Claiborne, their lordships declared, that they found no cause to relieve them, but do leave both sides therein to the ordinary course of justice.

Pursuant to this judgment, the Governor and Council of Virginia issued their proclamation, forbidding any person belonging to their jurisdiction from trading within the limits of Lord Baltimore's charter, without license first obtained of him or his agents.

Baffled in England in his attempts to obtain redress, Claiborne returned to Virginia. Here he was met by the proclamation of the Governor and Council, forbidding him to do the very thing which they had encouraged him in doing but a short time before.

In this dilemma, he betook himself to entreaty. During his absence, one of the first acts of legislation in the Provincial Assembly had been to declare the property of Claiborne forfeited to the government. In 1640, he sent an attorney to Maryland, with a petition for

the restoration of his property. It would have been politic, perhaps, in Governor Calvert and his Council, to grant this petition, rather than further to exasperate so formidable an adversary. They saw fit, however, to refuse his petition, and in such terms as by no means to soothe his irritated feelings, but to increase an enmity, which sought an opportunity of revenge, and in fact embittered the last days of Governor Calvert.

In 1644, taking advantage of the prostrate condition of the royal cause in England, as well as some consequent disorders in the Maryland colony, he, in conjunction with a certain Ingle, raised such a mutiny as to compel the Governor to retire to Virginia, though his own arbitrary and disorderly conduct again compelled him to flee. During the Protectorate, he found another opportunity for the gratification of his resentment, by becoming one of the Parliament's commissioners "for the reduction of the province of Maryland."* On the restoration, he again retired to Virginia, after which he ceases to be an historical personage.

* This is the language used by historians. But in their instructions they are styled "commissioners for the reduction of Virginia and the inhabitants thereof." Maryland is not mentioned. See the pamphlet entitled "*Virginia ana Maryland*," p. 21.

CHAPTER X.

The Tenure of Lands in Maryland. — Intended to be the Foundation of an Aristocracy. — How this Intention was defeated.

AMONG the most important influences, which affect the political complexion of a people, is the tenure of land. Large tracts of land, held by individuals or families, necessarily create an aristocracy; and land being the principal item of property in the world, a country whose lands are held in large bodies must necessarily be aristocratic. Thus, in the middle ages, Europe became necessarily so by the adoption of the feudal system, or the division of the soil among a few military adventurers.

Lord Baltimore belonged to the aristocracy which had been entailed upon Europe by the feudal system. It was natural, that he should desire to perpetuate an order of society to which he was attached, in a colony which he was to plant, of which he was to be the proprietor, and in a great measure the legislator. Accordingly, not only his charter, but his first proposals for colonists, looked to this arrangement. It was his purpose, that the land should be owned in large masses. To this end the

original conditions of emigration aimed, which were made public in England.

These conditions were renewed and confirmed by Lord Baltimore in an especial order of commission to his brother, Leonard Calvert, dated at Portsmouth, August 8th, 1636. The commission concludes with a provision for erecting into manors such tracts of land as contained one, two, or three thousand acres, to be called by such names as the adventurers might choose, in which courts-baron and courts-leet should be from time to time held. The commission was likewise accompanied by a draught of the form by which the grants of manors were to be made.

Now, although these forms of grants have not been preserved, we know enough of manors, courts-leet, and courts-baron, as they then existed in England, to know, that if the provisions of this commission had been fully and universally carried out, the territory of Maryland would have been parcelled out, as most of England was at that time, into noblemen's estates, of one, two, and three thousand acres in extent. The proprietors would have possessed, not only the right of soil, but the right of jurisdiction; would have had the power to establish on their estates, and under their supervision, courts of justice having appropriate

officers to determine the rights of person and property. These rights of territory and jurisdiction were secured, not only to the first proprietor, but to his heirs.

The foundation was thus laid for a landed aristocracy, the most marked and lasting of any that can be created. To complete the edifice as it then existed in England, three things more were necessary, titles, primogeniture, and hereditary legislation, that is, a branch of the law-making power, which should consist, either exclusively or in large majority, of the privileged order, which should likewise have a veto on the proceedings of the other branches. Short of all these provisions, no hereditary nobility can subsist. One of these provisions, that for titles and dignities, we have already seen, was made in the charter.

But Lord Baltimore, though a wise man for his day, seems not to have been sufficiently a statesman to perceive, that this outline of an aristocracy, which he had sketched out, could not be filled up without securing the other provisions to which we have alluded. It could not, in short, have been effected without giving the colony a written constitution, containing by express enactment all the features, which had grown up in England in the course of ages by the force of circumstances.

By another provision of the charter, which was in some sort a constitution, he nullified and rendered of no effect the provision for an aristocracy. It was prescribed, that laws should be enacted only with "the advice, assent, and approbation of the freemen of said province, or of the greater part of them, or of their delegates, or deputies," who were to be called together for the framing of laws, "when and as often as need shall require."

Here, by this fundamental arrangement, the aristocratic intention of another part of the charter is defeated. A democratic complexion is given to the whole form of government, by the power granted to the freemen in the making of laws. One of the first and most essential of the powers of legislation is the regulation of the descent of property. A democratic assembly would scarcely decree the existence of primogeniture, and the proprietary could not enact laws without "the advice and assent" of a democratic assembly. Without primogeniture, no hereditary aristocracy can exist.

Nor can an hereditary aristocracy subsist without constituting a separate branch of the legislature, so as to have a veto on the making of laws ; for without this the law-making power might abolish them at any time, or gradually encroach upon and destroy their privileges. It

was not to be expected, that a democratic body, like that contemplated in the charter, would create a coördinate branch on aristocratic principles. The House of Lords in England, the Chamber of Peers in France, did not come into existence by the voluntary legislation of the people. They constituted one of the original elements of the state. They were the descendants and representatives of those military chieftains, who first conquered, seized upon, and appropriated the soil of Europe. All power was originally in their hands, except that which they condescended to share with the monarch.

At that time in France, and even up to the commencement of the revolution, a century and a half afterwards, the people were nothing, and had no power or influence in the state. England was in the same condition with France till a short time before the period of which we are speaking. Parliament, or the House of Commons, or rather the immediate representatives of the people, were only used as the instruments of levying taxes upon the people in such a form, that they would be submitted to without resistance.

Such had been the state of things to the end of the reign of Elizabeth. It was the reformation and Puritanism, which overthrew the original constitution of England. The

people had gone beyond the monarch and Parliament in reform, and were not satisfied with partial reformation of the church. It was the attempt of King James to stop the reformation, or fix it in the forms of the Episcopal church, which revealed to the people their strength. It was the same attempt, continued by Charles, which made the Parliament omnipotent, cost him his crown and life, and made England for a time a republic. At this very time, this great struggle was going on. The King was endeavoring to govern without a Parliament, and in fact to annihilate the power of the popular branch entirely.

In Maryland, on the other hand, the political existence of the colony commenced with the power in the hands of the people. There was no aristocracy actually in existence, and no aristocracy was ever formed by the voluntary concession of the people.

Another cause, which contributed to defeat the aristocratic intentions of Lord Baltimore, apparent in the outlines that he sketched of the future colony, was the new position in which population, labor, and capital found themselves in the New World. No aristocracy, founded on landed estate, can be established and maintained, where land is cheap and labor dear, where there is much territory unoccupied

and few people to enter in and take possession of it.

Landed aristocracy is founded upon the relation of landlord and tenant. No man will be a tenant, when he can be an owner of the soil; and every man who can labor may be an owner of the soil, where land is very cheap. Where labor is scarce, and land is abundant, the laborer is really the great man. He has, and he can have, no superiors. Democracy, therefore, naturally springs up in a new country. In an old country, on the other hand, a great landed proprietor is omnipotent. He has that, of which every other man must hire, or possess a portion at any price, land to live upon. In an old country, full of inhabitants, there is abundance of that which is the only natural inheritance of man, the power to labor. The importance of the individual man must sink or rise with the value of the only thing which he has to bring to market. Where personal service is cheap, there many will be subjected to the will of one, and an aristocracy naturally springs up.

Such were some of the reasons, why Lord Baltimore's provisions for an aristocracy in the colony of Maryland did not take effect. There were insurmountable difficulties, in the nature of things, in the way of transplanting the in-

stitutions of the Old World into the New ; and a nobleman, who, it is supposed, had the drawing up of his charter with his own hand, and received the whole of the soil as proprietor, in his own personal right, found it impracticable to establish here a form of society like that, under which he himself had lived ; and Maryland, though planted by a member of the English aristocracy, when the time came for her to take her place among the members of a confederated republic, was found, in form and spirit, as republican as any of them.

Large landed estates, from one to three thousand acres, were unquestionably conveyed to individuals. There are reasons for believing that no inconsiderable part of the territory was thus laid off, and that reservations of extensive tracts, intended as manors, were made for the proprietary, his family and friends.

Provisions might have been, and probably were, inserted in these grants for courts-leet and courts-baron, as they were called, or for jurisdiction founded on the ownership of the soil ; but these provisions were not carried out by subsequent legislation, and there is no record of their having been exercised in any instance. Unsupported by primogeniture, or rank, or hereditary legislation, or any other aristocratic institution, this one feature of aristocracy grad-

ually disappeared. It could have been preserved only by a series of partial and unjust wills, altogether at variance with natural equity and the other institutions of the country.

Two centuries have dissipated them all. The large landed estate of Charles Carroll of Carrollton, the last of the signers of the Declaration of Independence, and who lived to the age of nearly a century, was the last remnant of the manors, which were established under the original charter of Maryland. Thus two centuries have worn out the only feature of the feudal system, which was attempted to be incorporated into the institutions of Maryland. The only mention, even by name, of the holding of a court-leet, is a commission given at St. Mary's by Leonard Calvert, dated February 9th, 1637; "To Robert Philpot, William Cox, Thomas Allen, of the Isle of Kent, gentlemen, to be justices of the peace within the said island, to hold a court-leet, in all civil actions, not exceeding twelve hundred pounds of tobacco, and to hear and determine all offences criminal, within the said island, which may be determined by any justice of the peace in England, not extending to the loss of life or member."

We have no evidence that the court-leet here spoken of was a baronial court, or that

the Isle of Kent was ever erected into a manor, or belonged to an individual, in any sense, after the flight of Claiborne. And the grants of territorial jurisdiction, if inserted into the original conveyances of lands from the lord proprietor to individual settlers, must have remained almost a dead letter. Primary jurisdiction was given to justices of the peace. The territory, as it became settled, was divided into counties, and courts were established in each, where all legal business was transacted above that of the justices' courts. There seems to have been an organization, in some cases, not unlike the towns of New England, called *hundreds*. It was derived from the ancient usages of England. It was, as its name indicates, a village, or neighborhood, requiring some special municipal regulation.

What they were, and for what purpose, may best be learned from a commission granted by Governor Calvert, in the name of his brother, Lord Baltimore, to Robert Wintour, to be a justice of the peace, dated March 31st, 1638. It likewise shows, that for the first four years the colony was confined, in a great measure, to the town of St. Mary. "Whereas the west side of St. George's River is now planted by several inhabitants, and is thought fit to be erected into a hundred, by the name of St.

George's hundred, we, willing to provide for the better conservation of the peace within the said hundred, do constitute you to be a justice of our peace within the said hundred, with such powers as belong to a justice of the peace in England, by virtue of his commission for the peace, and to make diligent inquiry after such as shall sell, or without license lend or deliver, any gunpowder or shot to any Indian without leave from us; and we authorize you to appoint a high constable for your hundred, to whom, so appointed by you, we give all such powers as belong to a high constable of any hundred in England."

It is not improbable, that on some of the manors early granted to the settlers the right to hold baronial courts was exercised. Indeed there are some records of such proceedings. A record is preserved to the following effect. "A court-baron was held at the manor of St. Gabriel, on the 7th of March, 1656, by the steward of the lady of the manor, when one Martin Kirk took of the lady of the manor, in full court, by delivery of the said steward, by the rod, according to the custom of the said manor, one messuage, lying in the said manor, by the yearly rent of —; and so the said Kirk, having done his fealty to the lady, was thereof admitted tenant." This is an instance of civil

jurisdiction. There is one also of criminal procedure. In October, 1661, Thomas Gerrard petitioned to the provincial court, stating that "at a court-leet and court-baron, held for the manor of St. Clement, on the 27th of October, 1659, Robert Cole was fined for marking one of the lord of the manor's hogs, and prayed to have satisfaction for the unlawful marking and killing such hog, as the laws of the province provided."

Such instances, however, of baronial jurisdiction, we have reason to believe, were very rare in the early days of Maryland. In fact we have evidence of a very rapid change in public sentiment from the aristocracy of England to the subsequent democracy of America. By the Assembly of 1637, forty-two acts were passed which, owing to a difference of opinion between the colonists and the lord proprietary, as to the right of originating laws, never took effect, six of which had the following titles. "A bill for the bounding of manors; assigning of manors; peopling of manors; supporting of manors; against alienating manors; for services to be performed for manors and freeholds." No attempt seems to have been made afterwards to reënact or revive these laws, although there was a session of the Assembly the next year.

Not only was the tendency here to a de-

mocracy strong and rapid, arising out of the circumstances of the colony from its very commencement, but a great revolution was at the same time going on in the mother country. The Puritans, who were antimonarchical in their sentiments, especially after James and Charles had espoused the cause of the Church of England, were then gaining a numerical ascendancy in the kingdom. War was actually beginning between the parties at this time. King Charles was collecting his forces for that memorable struggle, which lasted ten years, with various success, till in 1648 it ended in the entire overthrow of the King and aristocracy, and the complete ascendancy of the democratic element of the British constitution.

These ten years were the most important to the formation of the future political character of the colony, and the most unpropitious to the establishment of a landed aristocracy in Maryland. Manors, intended to lay the foundations of noble and powerful families, became, in the course of events, merely extensive farms, to be divided and subdivided, as the first proprietor was succeeded by a numerous family.

That the purpose of creating and sustaining a landed hereditary aristocracy, first cherished by the lord proprietary, and provided for in the charter, was participated in by the colonists, and

not immediately abandoned, appears by a clause of a law enacted as late as 1639, concerning enormous offences. "And any lord of a manor, indicted for any capital offence, shall be tried by the Lieutenant-General and by twelve or more lords of manors, if there be so many within the county, capable of such charge, or, in default of so many lords of manors, then by so many lords of manors and freeholders of the county, to be returned by the sheriff, as shall make up the number of twelve at the least. And the said lords of manors and freeholders impanelled, shall be called and judged by their peers, and conviction shall be by the said Lieutenant-General and the said peers, or the major part of them, agreeing in their verdict."

There is no record of any trial under this law, nor is it probable that any such trial ever took place. In calling the first legislative assemblies, there is no mention of any such persons being summoned as members of the legislature, no attempt to form them into a distinct branch, no record of any deference being paid to them, nor are they mentioned by name.

For the first five years, indeed, no extensive settlements were made beyond the precincts of the town of St. Mary. The first notice of the erection of the settlement into a county is found in the year 1637, three years after the

first landing, in a commission to John Lewger, to be "a conservator of the peace within the county of St. Mary." The lands within the limits of the first settlement were divided among the first settlers in a most equal and unambitious manner. Directions were received by Governor Calvert from Lord Baltimore, two years after the arrival of the colony, for assigning a small portion of land to each of the colonists who should claim it. He was to "pass in freehold to every of the first adventurers, who should claim or desire it, and to their heirs, ten acres of land within the plots assigned or to be assigned for the town and fields of St. Mary, for every person that any of the said adventurers transported or brought into Maryland, according to the conditions first published, and five acres of land to every other adventurer for every other person which he hath or shall transport thither since that time of the first plantation, until the 13th day of August, which shall be in the year of our Lord 1638."

To an American, whose ideas of settling a new country have been derived from what he sees take place in a country, which has been under the influence of democratic institutions for more than two hundred years, the conditions of plantation, which appear in all the documents of Lord Baltimore concerning the emi-

grants, must seem strange. The emigrant, in the United States, to the unsettled lands of the west, is expected to go on his own account. He is expected to labor with his own hands, and to take up no more land than he can cultivate. He receives no additional grant for any persons he may "transport or carry" with him. He perhaps sells a farm, upon which he and his family have labored all their days, embarks his household furniture in a wagon, and "transports" himself and his all to his new habitation.

The colonists of Maryland were situated very differently at the outset. There was no class in England, at the time of the Maryland emigration, which corresponded to our small, or even our large farmers. The land was held in large tracts, principally by noblemen. The laborers were, as they are now to a great extent, little better than serfs or slaves. They had no means of transporting themselves to America. There was no way in which they could place themselves there, except by coming under obligations of personal service to those, who should furnish the expenses of their emigration. This was the arrangement contemplated in the original conditions of plantation promulgated in England. It was an offer to those, who had sufficient capital, to become possessed of a barony in America, by transporting five persons

to the colony, or by contributing one hundred pounds, which was to be considered an equivalent.

In fact, no inconsiderable proportion of the first emigrants were redemptioners, bound to personal service for a term of years. This was the main ground of the distinction of "freemen," which we find to occur so often in the early records. It means those of mature age, who were not bound to any such personal service. One of the first acts of legislation was to limit these terms of service, that it might not lead to oppression and wrong.

There was, however, a greater security than any legislation, in the cheapness of land and the value of labor. The redemptioner of to-day might be a land holder to-morrow, and a few years might see him possessor of extensive property. Thus it was, that the tenure of land, the only aristocratic feature of Maryland, was modified and counteracted by other circumstances, and the colony gradually became a pure democracy.

CHAPTER XI.

First legislative Proceedings. — Abortive by Defect of the Charter. — First Assembly. — Commission of Governor Calvert.

THE next human want, after land to live upon, clothes to wear, and houses to dwell in, is a government, by which the rights of person and property may be enjoyed in peace. As Englishmen, the early colonists of Maryland were supposed to carry with them to their new abodes their rights and liberties as subjects of the British empire. They were of course, as they supposed, under the protection of its laws. The charter, under which they acted, guaranteed to them the protection of their sovereign, inasmuch as it declared them still the liegemen and subjects of his kingdom.

But transportation to a new country, three thousand miles from home, essentially changed their condition, and put them in fact beyond the effectual protection of their sovereign. As they were placed beyond his protection, so they were in a great measure placed beyond his control. Many, perhaps most, of the laws of England became inapplicable to their present condition. They were beyond the reach of her

courts, her officers, and her military power. No army could be sent and stationed among them to enforce the laws. No laws could be executed without their consent, without their concurrence, without their assistance. In short, the task of self-government was forced upon them by the very circumstances in which they were placed.

A great revolution must have taken place in their sentiments and feelings by crossing the Atlantic. They were, in fact, in a state of freedom of which they had never dreamed in the Old World. There they had been pent up in an island, always in the presence of power and privilege, where all that was free in their constitution had been slowly extorted from aristocratical and monarchical despotism, by the stubborn perseverance of the people.

In the New World all was changed. A vast and unoccupied continent was before them, unencumbered with the feudal abuses which had been entailed by the dark ages upon Europe. It was natural that they should seek a free form, and a more equitable basis of society, than they could ever have imagined in the mother country.

To us the formation of the early governments of the colonies is perhaps the most interesting part of their history. In them we see the rude

beginnings of what we now enjoy. We see among them all, under whatever auspices begun, the same inevitable tendency to freedom, the growth of the same principles which finally led to the establishment of our glorious union. The very first session of the Maryland legislature gave rise to these questions of power and prerogative, between the colonies and the authorities at home, which, for a hundred and fifty years, never ceased to be agitated, and at length were the causes of a final separation from the mother country.

The formation of a government in Maryland was embarrassed by peculiar and unforeseen difficulties. The charter was drawn up, given, and received, under the supposition that Lord Baltimore himself was to accompany the colony, to reside in it, and govern it in person. Had this design been carried out, much of the difficulty, which was afterwards experienced, might have been avoided. He would have been upon the spot, and learned, by daily experience and observation, what laws the condition of the colonists required. He would have been at hand to suggest, or immediately to reject, whatever laws it might seem expedient to enact or to forbid. But at the last moment before the embarkation, he changed his purpose and determined to remain in Eng-

land, so that the most important party to the law-making power was left behind; and such a distance interposed, that no communication could be had short of three or four months.

It is impossible to legislate for a people prospectively, for it is impossible to foresee the circumstances under which they will be placed, nor can the laws of one people be adopted in a mass by another. They must be adapted to climate, pursuits, temperaments, and religions. Laws, to be appropriate and effectual, must be framed and enacted to remedy an actual and existing evil. It was little less than absurd for Lord Baltimore to think of legislating in England for a colony in America, though he was the absolute lord and proprietor of the soil.

The experiment was tried over again in the colony of Carolina, and totally failed. Lord Baltimore made the same attempt to legislate for his colony. And even if he had succeeded, against all probability, in framing the most perfect code of laws, these could not have been carried into execution without the assent of the people for whom they were intended, inasmuch as they were themselves to execute them.

The difficulties of the case were increased not only by the circumstance that the lord proprietary remained in England, but by a

want of explicitness in the charter. There is no express designation of the party with which the laws were to originate, whether with the people in legislature assembled, or to be drawn up by the lord proprietary, and proposed to the people or the legislature for their approbation and sanction. The language seems as favorable to one construction as the other. "Full, free, and absolute power" was given to the lord proprietary and his heirs, "to ordain, make, and enact laws;" but the freemen were to be called together for "the framing of laws."

Provision was made however that on certain occasions the proprietary, or his magistrates and officers, might make laws without the assent of the people. Such laws of course must have originated with themselves. But even in this provision it is evident, that it was not intended that any part of the law-making power should reside in England.

An assembly was held, commencing on the 26th of February, 1635, about one year after the landing of the colony. What was done or what laws were passed we have no means of knowing, as the records have all perished. A writer, who had access to original documents in the English plantation office, has preserved to us the fragment of a law passed at

this session, which declares, that "offenders in all murders and felonies shall suffer the same pains and forfeitures as for the same crimes in England." The enactments of this session never obtained the force of laws, being rejected by the lord proprietary at home. The inconvenience of the separation of the parts of the legislature immediately began to be felt. Laws could not be made when and where legislation was wanted the most. The grounds of the rejection of those laws are not now known, whether they were objections to their substance, or to the principle that they had originated with the people, and not with the proprietary.

The commission, by which Lord Baltimore made his brother, Leonard Calvert, his substitute in conducting the colony to Maryland and establishing it there, is not now extant, nor are we acquainted with its provisions. It must however have contained authority to hold a provincial assembly. It must likewise have contained such executive powers, as were necessary for the ordinary administration of justice. Want of appropriate laws must have been soon and seriously felt. But after the first attempt, legislation was suffered to sleep for three years. In the mean time, either for want of laws or defect of judicial organization, the prisoners

taken in the fight with Claiborne's armament were never brought to trial.

In the year 1637 an attempt was made to accomplish a more full and permanent organization of the province. On the 15th of April, Lord Baltimore at London executed a new commission to his brother, explicitly defining his powers, and stating more fully the official functions which he was to discharge.

After defining the various offices, which he intended his brother to fill, and among the rest giving him the power of Chancellor and Chief Justice, he grants him special authority to call an assembly in the ensuing winter, and to make known to them his dissent from the laws passed by them at the first and only legislative assembly, which had then been held. Likewise he is to propose such a body of laws for the adoption of the people, as the lord proprietary should send over before the time fixed upon for the session.

Here, within four years of the first settlement of the Maryland colony, was commenced between the colonists and the authorities in the mother country the controversy concerning the right of legislation, which was waged at intervals for a hundred and fifty years, and was terminated only by the declaration of independence in 1776. Lord Baltimore how-

ever saw fit afterwards to recede from the ground here taken, and to permit the colonists to originate their own laws, though in this commission he recognizes no such right in them, but gives to Governor Calvert the power to *begin* all legislation, "to propound and prepare other wholesome laws and ordinances for the government and well ordering of the said province."

This commission confers another power on Governor Calvert, almost as important to legislation as that of originating laws, that of calling and *dissolving* assemblies whenever he chooses. This power, so vital to the independence of a legislature, was conferred in imitation of what was then considered to be the English constitution. It was by the abuse of this power, that Charles was then endeavoring to make himself an absolute monarch. A legislature cannot have due weight in any state, if its very existence depends on the executive will. There had then been in England no Parliament for eight years. With the last Charles had quarrelled on the subject of raising a revenue, and it is doubtful if England would ever have seen another Parliament, had the King found it possible to furnish himself with money by any means, lawful or unlawful, for carrying on the government. It was this

necessity alone, which drove him to call the Parliament of 1640, three years after this, commonly called the Long Parliament, and it was by the refusal of this body to be dissolved, that the people of England ever recovered their constitutional liberties.

CHAPTER XII.

*Second Assembly. — Democratic in its Character.
— Contest between the Assembly and the Lord
Proprietary concerning the Right of originating
Laws.*

IN pursuance of the instructions contained in the commission, Governor Calvert proceeded to make arrangements for a Legislative Assembly to meet on the 25th of January, 1638. The constitution of this Assembly was one of the most interesting circumstances in the history of the country. It is easy to see in it the germ of all subsequent political organization. It was essentially democratic, and admitted in substance the principle of universal suffrage. There was but one branch; every freeman was supposed to be there, and

the Governor presided in the double capacity of the executive of the colony and speaker of the House.

The commission of the Governor contains likewise the appointment of three councillors, Jerome Hawley, Thomas Cornwallis, and John Lewger, with whom he was to advise, as he should see cause, upon all occasions concerning the good of the province and the people. In the Assembly these councillors took their seats as mere members, without any distinction of power or dignity.

It was in fact an assembly of the people to make or to adopt laws for their own good. The model of it was undoubtedly the British House of Commons, the democratic branch of the English government, then unhappily deprived of all powers, and in fact for the time being annihilated by the encroachments of the royal prerogative. It had sprung up last in the British constitution among the elements which composed it. Here it was the only element, and never suffered any other to spring up and overshadow it.

The community was then so small and so compact, that a pure democracy, that is, an assembly of the whole people, was practicable. The settlement had not extended far beyond the town of St. Mary, and exclusive of the

inhabitants of Kent Island did not probably consist of more than three hundred inhabitants.

A copy of the warrant sent to Kent Island is still extant. It is directed to Captain Evelyn, "commander" of the island. These commanders were a species of magistrates somewhat peculiar to the early days of the American colonies. The settlements were generally wide apart, and had little communication with each other. It was necessary that they should have some sort of government. Their wants were the administration of justice and defence against the Indians. They were not sufficiently numerous to sustain all the officers of a regular government, civil and military, and so combined several functions in a single individual under the name of "commander." He bore the commission of a justice of the peace, and had a general supervision of the affairs of these little commonwealths scattered about in the wilderness.

This paper is curious, as it exhibits the rudiments of a popular government, which immediately sprang up in the New World. "Whereas my dear brother the lord proprietor of this province hath, by his commission to me directed in that behalf, bearing date in London in the realm of England, the 15th of April, 1637, appointed a General Assembly of all the

freemen of this province to be held at his town of St. Mary, on the 25th of January next; these are therefore in his lordship's name to will and require you, all excuses set apart, to make your personal repair to the Fort of St. Mary, on the 25th of January, then and there to consult and advise of the affairs of this province; and further to require you at some convenient time, when you shall think fit, within six days after the receipt hereof, at the furthest, to assemble all the freemen inhabiting within any part of your jurisdiction; and then and there to publish and proclaim the General Assembly, and to endeavor to persuade such and so many of the said freemen, as you shall think fit, to repair personally to the said Assembly at the time and place prefixed; and give free power and liberty to all the rest of the said freemen either to be present at the said Assembly, if they so please, or otherwise to elect and nominate such and so many persons, as they or the major part of them so assembled shall agree upon, to be deputies or burgesses for the said freemen in their name and stead, to advise and consult of such things as shall be brought into deliberation in the said Assembly; and to enter all the several votes and suffrages on record, and the record thereof, and whatsoever you shall do in any of the

premises, to bring along with you, and exhibit it at the day and place prefixed, to the secretary of the province for the time being; and for so doing this shall be your warrant."

This Assembly, according to the document here cited, was evidently intended to be purely democratic, that is, an assembly of the whole people. The only ambiguity, as to the right of suffrage and representation contained in it, is in the word "freeman." It has been maintained by some, that by this term some property qualification is intended, that none could vote who had no real or at least personal estate; so that the word "freeman" would be synonymous with the word "freeholder." But a vote of the Assembly of 1642 seems to settle the meaning of the word "freeman," in the first years of the colony, to have been a citizen above the age of majority and not held to personal service.

In the journal of the Assembly of that year it is said, that "Mr. Thomas Weston, being called, stated that he was no freeman, because he had no land nor certain dwelling house here; but being put to the question, it was voted that he was a freeman, and as such bound to make his appearance by himself or proxy; whereupon he took place in the house." Beverley, in his History of Virginia, has shown that

the same meaning was attached to the term in that colony. "Every freeman," says he, "by which denomination they call all but indented or bought servants, from sixteen to sixty years of age, is listed in the militia."

The Governor either had or assumed the right of summoning particular individuals, whom he thought especially well qualified for legislators, and in so doing followed the precedent of the Kings of England, who, it seems, proceeded in this way in summoning that body of men, which afterwards became the House of Commons. In doing so the Governor used the "royal rights" conferred upon him by the charter. But the writ of summons conferred no exclusive right, and seems to have been resorted to in order to collect a legislative assembly, and thus to obviate the uncertainty which would have followed, had he trusted entirely to a popular and voluntary election. For one of the first acts of the Assembly was to cause proclamation to be made, that "all freemen omitted in the writs of summons, that would claim a voice in the General Assembly, should come and make their claim. Whereupon claim was made by John Robinson, carpenter, and was admitted."

The same feature of pure democracy had been adopted eight years before in the colony of

Massachusetts Bay. The legislature, there called the General Court, consisted of the Governor, Deputy-Governor, the Council, and the whole body of freemen. This arrangement continued for four years, and was discontinued by the colonists, as the settlements spread into the country, on account of their fears that their families might be attacked by the Indians in their absence. "Freemen," however, meant something different in that colony. The right of suffrage was then confined to the communicants of the churches.

In the Assembly of Maryland any one, who could not or did not choose to attend, had the right of acting by proxy, of delegating the power of voting to some one who should represent him, and his vote was as much counted as if he had been there in person.

According to the appointment, the Assembly met on the 25th of January, 1638. In what building they were convened we are not informed. It was probably in some structure for public purposes within the fort, in the town of St. Mary, as it was ordered that the rules of the Assembly "should be set up in some public place of the house, to the end that all might take notice of them;" and the next year's Assembly is recorded to "have been begun at the fort, and removed to St. John's," the residence,

it is conjectured, of Governor Calvert. A very spacious apartment was not needed, as one of the rules adopted was, that any number over ten persons should constitute a quorum for the transaction of business.

The first business was to ascertain who were represented. A list was made out of all free-men or legal voters, a circumstance which shows that the community was then small, or they could not all have been known to each other. In the roll of the House some are styled "gentlemen," and some "planters." In these designations we perceive that, though no attempt was made by the colonists to establish a titled aristocracy, still they showed that the ambition for rank and distinction, in which they had been educated in England, did not immediately forsake them. In fact, Lord, and Duke, and Baronet found an humble imitation, in the New World, in General, Colonel, Captain, Esquire. In some places the appetite was so strong, that it found gratification in the still humbler additions of Lieutenant, and even Corporal. And it cannot be said that this absurd taste is yet worn out among their posterity to this day.

The next proceeding was to agree upon the rules, which were to be observed in the transaction of business.

"*Imprimis* ; The Lieutenant-General, as Presi-

dent of the Assembly, shall appoint and direct all things that concern form and decency, to be observed in the same, and shall command the observance thereof, as he shall see cause, upon pain of imprisonment or fine, as the House may adjudge.

“*Item*; Every one that is to speak in any matter shall stand up, and be uncovered, and direct his speech to the Lieutenant-General, as President of the Assembly; and if two or more stand up to speak together, the Lieutenant-General shall appoint which shall speak.

“*Item*; No man shall stand up to speak in any matter, until the party that spoke last before have sat down; nor shall any one speak above once to any one bill or matter at one reading; nor shall refute the speech of any other with any reviling or contemptuous terms; nor shall name him but by some circumlocution; and if any one offend to the contrary, the Lieutenant-General shall command him to silence.

“*Item*; The House shall sit every day at eight o'clock in the morning, and at two o'clock in the afternoon.

“*Item*; The freemen assembled at any time, to any number above twelve persons, at the hours aforesaid, or within one hour after, shall be a House to all purposes.

“*Item*; Every one, propounding any matter

to the House, shall digest it at first into writing, and deliver it to the secretary to be read to the House."

The next day, January 26th, the House again met according to the order at eight o'clock. "Then came Edward Bateman of St. Mary's hundred and claimed a voice as freeman, and made Mr. John Lewger his proxy." Also "came John Langford, of the Isle of Kent, gentleman, high constable of the said island, who had given a voice in the choice of Robert Philpot, gentleman, to be one of the burgesses for the freemen of that island, and desired to revoke his voice, and to be personally put in the Assembly, and was admitted."

Thus the Assembly was organized, Governor Calvert being speaker, Mr. Lewger, the secretary of the province, being clerk, and the two other councillors, Jerome Hawley and Thomas Cornwallis, sitting as private members. Small, however, as this Assembly was, it was called upon to decide some of the most important questions for themselves and their posterity. It was one of the fountains of American legislation, and contributed to give direction to that stream which is destined to run on for ages.

The first official business must have been the communication of Lord Baltimore's dissent to the laws enacted at the former session, and

sent over for his approbation. Of this, however, there is no record. The next was the consideration of a body of laws sent over by the lord proprietary for their assent. Of the nature of those laws, we have now no knowledge, as no copies of them have been preserved. The draughts of the first twelve were debated at length, and the House adjourned without coming to any decision.

On the third day of the session, the 29th of January, a question was brought up, which shows that human nature was subject to the same weaknesses in the young colony, which are incident to it everywhere else. People then tried the same experiment, which they have so often tried since without success, that of living beyond their means. "Upon occasion of some warrants granted out against some freemen that had made proxies, a question was moved in the House, whether freemen, having made proxies during the Assembly, might be arrested before the Assembly were dissolved; and Captain Cornwallis and James Baldrige were of opinion that they might, but the rest of the House generally concurred, that after the writs issued for summoning the Assembly, no man having a right to repair to the Assembly might be arrested until a convenient space of time after the dissolution of the said Assembly, for their repair home."

This decision, though perhaps necessary for the purposes of legislation, must have been exceedingly inconvenient to those of justice, as it must have arrested all civil suits ; for every man was either a representative or a constituent, and neither of them could be brought into court to answer to any civil action. This inconvenience, however, must have been soon done away by the increase of the population, and the adoption of the representative system.

After the disposal of this business, the House resumed the consideration of the laws proposed by the lord proprietary. Three modes of proceeding were proposed ; to read again the laws which had been already read, to put it immediately to vote whether they should be received or not, or to postpone the matter till there should be a fuller House. " Captain Cornwallis gave his opinion, that they should expect a more frequent House ;" and Captain Fleet was of opinion that they should be read again.

The question which had precedence was, whether the laws "should now be put to vote immediately" or not. It was carried in the affirmative by thirty-three voices to eighteen, both sides including proxies. "Then were the laws put to the question, whether they should be received as laws or not." Affirmed by the President and Mr. Lewger, who counted fourteen

voices. Denied by all the rest of the Assembly, being thirty-seven voices, including, as is supposed, their proxies.

Upon what ground the rejection of these laws was put we are not informed. It is not probable, however, that, among so many, some should not have been found appropriate and needful for the circumstances of the colony. It is most probable, therefore, that, like the contests which afterwards sprang up between the colonies and the mother country, it turned on principle rather than detail. They might reasonably think that all people best know their own condition and their own wants, and that those laws are likely to be most useful and appropriate, not which are framed in anticipation of some possible evil, but those which are called for by some evil actually in existence. They too might reasonably object, that no such state of things was anticipated in the charter, as that the two parties to the law-making power should reside, the one in England and the other in America. And if such must be the case, the lord proprietary ought to have merely a veto power.

It is not probable that any thing like personal resentment entered into the measure, or retaliation for the rejection of their own laws, for the utmost cordiality seems then to have prevailed. The proprietary had expended a

vast sum of money in planting and sustaining the colony, and thus far had probably received no return. The difference must therefore have been the result of an honest difference of opinion.

CHAPTER XIII.

Want of Laws. — Danger of Anarchy. — The Assembly agrees on some Laws to be sent to Lord Baltimore. — He rejects them. — Grants to the Colonists the Right of originating Laws.

THE attempt to legislate on both sides having failed, through want of concurrence of the other party, the danger was, that a state of anarchy might ensue, in which there should be power neither to ascertain nor punish crimes. When the House again met, the question came up, "by what laws the province should be governed. Whereupon it was suggested by some, that they might do well to agree upon some laws, till they should hear again from England." Governor Calvert, representing the interest of his brother, and perceiving that this would be in effect giving up the principle, for

if they could legislate from time to time, they might legislate forever, denied that the House had any such power.

Captain Cornwallis propounded the laws of England. Governor Calvert acknowledged that his commission gave him power in civil causes to proceed by the laws of England, and in criminal causes likewise, not extending to life or member, but in those he was limited to the laws of the province, and therefore, by the refusal of the laws sent over, enormous offences might be committed with impunity. His commission was produced, and it was found that there was indeed no power in the province to punish offences, deserving the loss of life or member, for want of laws. To this it was answered by the other party, that such enormous offences could scarcely be committed without mutiny; and mutiny, by the express terms of the charter, might be punished by martial law.

In the afternoon session of the same day, it was moved, "that the House would consider of some laws to be sent to the lord proprietor." This was but a renewal of the old contest, and might have been endless. Governor Calvert, to prevent this, as nearly as we can conjecture from the records, proposed a sort of compromise, and advised that the House

should take a recess, and in the mean time committees be appointed to make a draught of the proposed laws, intending, as it would seem, to get over the difficulty by adopting, in whole or in part, the very laws which had been sent over by his brother. At any rate this was a proper test of the nature of the objections, which were made to them, whether to the substance of the laws, or to the mode of their introduction.

To the proposition for an adjournment and committees the House agreed. Five committees were appointed, and the House adjourned to the 8th of February.

During this interval of ten days, the committees proceeded to prepare laws for the action of the House. In the mean time, those, who were favorable to the adoption of the laws sent over by Lord Baltimore, seem to have changed their plan. None of his laws was incorporated with those prepared by the committees. But it was proposed to offer them to the House again, "in regard," as the record states, "that there was found a great deal of misunderstanding of them among the freemen, which made them to refuse them."

And it being put to the vote of the House, whether they should be read again or not, it was affirmed by forty-eight voices, and denied

by twenty-one. It was then ordered by a general consent of the House, that "all bills propounded to the House for laws should be read three times, on three several days, before they should be put to vote." The draught of laws was then read through the second time, and twenty bills were proposed by the committee the first time.

This second reading seems to have brought out the true reason of the action of the House upon the laws sent by Lord Baltimore. They were rejected, not for any thing objectionable in themselves, but for the manner in which they were introduced. Captain Cornwallis desired it might be put to vote, "whether these laws, at the third reading, should be voted severally, or the whole body of them together." That is to say, shall they be received on their merits, or received because they are sent by the lord proprietor? On the vote for taking them in a body, there were thirty-two voices in the affirmative, and thirty-seven in the negative.

Governor Calvert seems to have considered this last as a test vote, and to have shut out all hope of the adoption of his brother's laws for the present, at least in a body; and the only resource left to him was a further adjournment. Accordingly, in the afternoon, when the House had come together, "the Pres-

ident declared, that he thought it fitting to adjourn the House for a longer time, till the laws which they would propound to the lord proprietor were made ready, which some should take care of, and in the mean time the company might attend to their other business." Captain Cornwallis replied, that "they could not spend their time in any business better than in this for their country's good; and one of the planters demanded the reason why it should be adjourned, and said they were willing to leave their other business to attend to it." The President replied, "that he would be accountable to no man for his adjourning of it." Captain Cornwallis next moved, "that at least a committee might be appointed, that should take charge of preparing the laws, till the House should meet again." Three committees were accordingly appointed, and the President adjourned the House to the 26th of February.

Thus ended, for the present, the contest concerning the right of originating laws. During the recess, Governor Calvert made the military expedition against the Isle of Kent, of which notice has already been taken. Captain Cornwallis was ordered to join the expedition, by way of aid and adviser, and doubtless was found as able in the field, as a coadjutor, as

he had been found efficient as an opponent in the hall of legislation. To provide for accidents, and to prevent any suspension of legislative proceedings, the Governor deputed the secretary, John Lewger,* to preside over the House in his absence, and to use his proxy if need might be.

The recess elapsed, and the Governor had not returned. On the day appointed, the House met according to adjournment, but adjourned to the 5th of March. On that day another meeting took place, and the House again adjourned to the 12th. The Governor having then returned, they proceeded to business. The twenty bills originated by the committee were now read a second time. On the next day, fourteen new bills were read, and three on the succeeding day. Whether these seventeen bills embraced any of those sent over by Lord Baltimore we are not informed. In all, forty-two bills were passed this session. The titles of them merely remain; their substance has not been preserved. They were sent over to the lord proprietary, and upon them he chose, as before, to exercise his veto power. Thus the colony, from an oversight in its charter, was left for another year without proper and sufficient laws.

This delay / legislation was attended with

serious and permanent inconvenience. The people, or their representatives, are certainly the best judges of their own wants. The delay of legislation could not prevent the rise of causes of litigation. Questions must be settled, and disputes must be decided. In the absence of proper legislation by the colonists themselves, magistrates must have been compelled to recur for precedents to the mother country, and of course decide what laws were applicable, and what were not, to their new situation. This led directly to the most objectionable species of law-making, judicial legislation. The judges were left to make the laws, by having it in their power to decide what laws of England were, and what were not, applicable to the condition of the colonists.

It was a maxim of the English law, "that if an uninhabited country be discovered and planted by English subjects, all the English laws then in being, which are the birthright of every subject, are immediately there in force." "But this," adds Blackstone, "must be understood with many and very great restrictions. Such colonists carry with them only so much of the English law as is applicable to their own situation, and the condition of an infant colony."

This principle was acted on by the early Maryland colony, and the English common law,

with all its excellences and all its absurdities, was introduced and incorporated into the jurisprudence of this portion of the New World.

It is difficult to conceive of any thing more opposed to progress, than the very maxims upon which the common law is founded. "That custom is law, and good law, which has been in existence so long that its beginning cannot be ascertained." This principle, it is immediately perceived, would sanction and consecrate all the usages of the darkest and most barbarous ages. All reform, all improvement in society, must begin with the very thing which the common law forbids, the abrogation of ancient and time-honored customs. To those who have not become professionally attached to the intricacies of English jurisprudence, it would seem a matter of regret, that the colonists did not begin the work of legislation anew, and make such laws as were suitable to their new situation, without adopting any part of the laws of England, as they then existed, except by express statute. What infinite labor might have been saved! It was natural that they should have done as they did, since they constituted a part of the British empire. But had they then anticipated what has since taken place, that they were ultimately to become a part of a new and independent nation, they would not have been

so anxious for the adoption of the laws of England.

One of their first attempts at legislation was to perpetuate and even extend one of the worst abuses of the dark ages, "the benefit of clergy." And among the canons of common law in England, which the colonists adopted, was the principle of primogeniture, than which nothing can be more repugnant to the natural rights of man. A law, as a rule of action, ought to be certain and known. But by the adoption of the laws of England, it became next to impossible for a man to know, or for his lawyers either, by what law his case was to be decided and his rights adjudged. It depended upon the judge to hunt up, from English statutes and precedents, whatever principle he might choose to consider applicable, making him in fact not only the legislator, but the *ex post facto* legislator in that particular case.

This want of legislation, from the peculiar structure of the charter, might have continued indefinitely, had the determination been equally obstinate on both sides of claiming the right of originating laws. But Lord Baltimore, with a magnanimity which does honor to his memory, waived his claim, and conceded to the colonists the right of originating their own laws, reserving to himself or his deputy a veto upon their

proceedings. This determination was communicated in a letter to the Governor, dated August 21st, 1638.

The difficulties in the way of legislation being now happily removed, no time was lost by Governor Calvert, in availing himself of the permission extended by his brother to the colonists of legislating for themselves. He determined on holding an Assembly in the February following. In December he issued his orders for the summoning of a representative body, to convene at St. Mary's to deliberate for the common weal. The constitution of this body appears not to have been uniform. It was composed partly of representatives chosen by the people, and partly of private gentlemen, chosen at will by the Governor, and constituted members of the Assembly by special writ.

According to appointment, the Assembly convened at St. Mary's on the 25th of February, 1639. The constitution of this Assembly was somewhat peculiar. It had, on the one hand, an aristocratic feature, unknown in our modern legislative assemblies. Members sat in it, who were placed there by the arbitrary will and selection of the Governor; but on the other hand, as a counterbalancing democratic peculiarity, every citizen, who had not consented to

the election of any representative, had a right to appear and take his seat and have a vote in the proceedings.

Their first act was to define and constitute their own body. It was established as the fundamental law, that the Assembly of the province of Maryland should consist of the burgesses, elected in the same manner as the members of the British House of Commons, and such gentlemen as should be summoned by special writ, together with such other freemen as had not consented to the election of any representative; and when convened, any twelve or more of them, the Governor and secretary being always two, should be a quorum for the transaction of business. All the acts of a majority of this Assembly, when assented to by the Governor, in the name of the lord proprietor, should have the force of laws, as much as if all the inhabitants of the province had been present and given their assent. In the course of the session a law was passed, providing for the calling together of the legislature once in three years.

Thus, in five years after the landing of the first company of emigrants, the colony was established with a settled form of government, and prepared to enjoy all the rights and privileges of an organized and separate community.

CHAPTER XIV.

Organization of the Colony. — Remarkable Laws passed by the Assembly, especially in Relation to Religion.

THE legislation of this session related to the simplest rights of person and property, and the establishment of a judiciary to carry the laws into effect. As a sort of declaration, or bill of rights of the citizen, they adopted the Magna Charta of England. They confirmed to the lord proprietary all his chartered rights. They established a species of county court, a court of chancery, a court of admiralty, and a special court, which they called Pretorial, for the summary trial and punishment of enormous offences.

There are some things in this early legislation, which strike us at the present day as barbarous and inhuman. The penalty of treason was, "to be hung, drawn, and quartered;" and whipping was a common punishment. But if we turn to the contemporaneous history of the mother country, we find that still greater barbarities did not shock either the humanity or the religion of the most highly educated and refined. Only nine years before this, Dr.

Leighton, the father of the Bishop of that name, himself an eminent divine, was sentenced by the Court of High Commission to a series of shocking punishments, to which there is no parallel in the early jurisprudence of Maryland.

One law was passed at this session, which seems to mark a rude age, relating to insolvent debtors. It was enacted, that where there was not sufficient property to satisfy the claims of the creditors, the man himself might be seized and sold at auction to be the servant of his creditors; till his debts were satisfied, the greatest creditor having the first right, and the rest in the order of the amount of their claims. Another act of this session marks the slender resources of the colony. The building of a water-mill was to be assessed on all the inhabitants. A further element of aristocracy was likewise added to the Assembly. Every lord of a manor had a right to a seat in it.

Another part of the legislation of this session has been regarded with more interest than anything else, and that was the enactments relating to religion. Much praise has deservedly been awarded to the Catholics of Maryland, for the early and noble stand they took in the maintenance of the rights of conscience. Their merits, however, have been by some made the theme of extravagant eulogy, while by others

due praise has been unjustly withheld. It is the part of the historian, without favor or prejudice, to state the facts as nearly as they can be ascertained, and leave the world to form its own judgment.

But in order to speak intelligently upon this subject, it will be necessary to make some important, though at first sight not obvious distinctions. The Christian church, in its relation to the state, has always found itself in one of three conditions, intolerance, toleration, or entire freedom. Intolerance exists when there is a union or an amalgamation of church and state, where one form of religion is established by law, and all others are proscribed. Toleration exists where one form of religion is favored and patronized by the government, but others are permitted to follow the dictates of their own consciences unmolested. Absolute religious freedom exists where the connection between church and state is severed entirely, where the legislature is forbidden to meddle with religion at all, and no man's religious opinions are allowed to impair his rights as a citizen.

At the time of the establishment of the Maryland colony, intolerance was universal. Every state had adopted some form of religion, and persecuted every other; and every church, when it had the power, had seized on the civil gov-

ernment, and used it to promote its own dogmas and to put down all others. The Catholics had done this, and the Protestants had done it in their time. No party seems to have had an idea, that there was anything wrong in it. The Inquisition was established to put down the doctrines of the reformation by the sword of the civil power; and when the Protestants, with Calvin at their head, had obtained the ascendancy in Geneva, they burned Servetus with as little remorse as the Catholics had destroyed the Albigenses.

In England, the atrocities of Henry the Eighth are not to be set down to religious intolerance, so much as to his own arbitrary temper and ferocious passions. But in the reign of his son and successor, Edward the Sixth, the Protestants appointed a commission to search out and prosecute heretics; and under the influence of Cranmer, Edward signed the death-warrant of two persons for errors of speculative belief. In the reign of Mary, the Catholic faith was again established by law, and the Protestants fed the fires of martyrdom in great numbers. In the reign of Elizabeth, the Protestant faith was again made the religion of the state, and the Catholics were proscribed. So it was under James and Charles.

At the time when the Maryland colony was

projected by Lord Baltimore, the Catholics were under the displeasure of the state in England ; they were incapacitated for all civil offices, and forbidden the exercise of their religion. Nor was the state of things much better in the colonies. In Virginia, where there was little or no temptation to intolerance, the same bigoted spirit prevailed. The Church of England was the established religion, and the first Lord Baltimore was driven away from them by the tender of the oath of supremacy, which, as a Catholic, it was known he could not take. The New England Puritans, though themselves refugees from religious intolerance, and martyrs, as they supposed, to the cause of religious freedom, practised the same intolerance to those who were so unfortunate as to differ from them. In 1635, Roger Williams was banished from the Massachusetts colony for differences of religious opinions with the civil powers. This was the next year after the arrival of the Maryland colony. In 1650, fifteen years later, a Baptist received thirty lashes at the whipping-post in Boston for his peculiar faith ; and nine years later, three persons suffered death by the common hangman in the same place for their adherence to the sect of the Quakers. Catholic emancipation in England is a thing almost of our own day ; and strange as it may seem to us,

who have so long enjoyed entire religious freedom, dissenters in that country are still debarred from the privileges of the two universities.

The Maryland colony, then, has the honor of being the first regularly organized government in the world, which adopted the principle of toleration towards all Christian sects. While all other governments established one form of religion, and persecuted all others, the Maryland colony, though it must be admitted that they established the Catholic church as the religion of the state, allowed all other sects to worship God after the dictates of their own consciences.

It does not appear that Lord Baltimore or the colonists had any idea of establishing entire religious liberty, as it is now understood. That involves a total separation of church and state, and an entire abstinence from legislation upon religious affairs. But the charter provides, that the lord proprietary shall have "the patronage of all churches to be built in the province," which in effect gave him the control of all religious concerns. And one of the first acts of the session of 1639 was, to establish the Roman Catholic church as the religion of the state. The act was entitled "An Act for Church Liberties," and its first section ran in the following words; "Holy Church within this province shall have all her rights and liberties."

There can be little doubt, it is believed, what church is here meant by the phrase "Holy Church." It is nearly a copy of a clause in the Magna Charta of England, obtained in the time of John, when the Roman Catholic church was every where predominant. It was enacted by a legislative assembly, a majority of whom were Catholics. It was to be passed upon by the proprietor of the soil, himself a Catholic.

Nor is it a matter of reproach that such was its intention. The colony exercised what they supposed to be a right to establish what form of religion they chose, a right which had then never been denied by any community, and had been exercised as well by the Puritans of Massachusetts, and the Episcopalians in Virginia, as by the Spanish colonies in South America. It is a principle of the Catholic religion, that there is but one church, and that the Catholic.

It is not unfair, then, to suppose that it was the intention of this act to put the Catholic religion in the same position, with regard to the government in Maryland, as it had occupied with regard to the government of England, before the reformation, with the exception of toleration towards other sects. These rights secured to the church related chiefly to the holding of property, freedom from taxation, and the exemption of the priesthood from cer-

tain civil duties and burdens. Such were probably the "rights and liberties" intended to be secured to the Catholic church in Maryland.

But, as has been before remarked, the colonists proceeded no further in their recognition of the rights of conscience than toleration, and that confined to Christians. Jews were excluded from citizenship in their commonwealth. By a fundamental law, passed at this session, entitled "An Act for the Liberties of the People," it was made a part of the constitution, that "all *Christian* inhabitants (slaves excepted) are to have and enjoy all such rights, liberties, immunities, privileges, and free customs, within this province, as any natural born subject of England hath or ought to have." This disfranchisement of the Jews remained on the statute-book of Maryland unrepealed till the present century.

Another law, passed at this session, demonstrates how far the colonists had advanced in their ideas of the rights of conscience. It forbade "eating flesh in time of Lent, or on other days (Wednesdays excepted) wherein it is prohibited by the law of England, without case of infirmity to be allowed by the judge." The offender was "to forfeit to the lord proprietary five pounds of tobacco, or one shilling sterling for every such offence." This, it must be remembered, was obligatory on Protestants as well as Catholics.

On the other hand, the records of the colony bear honorable testimony, that the toleration which was professed was most scrupulously maintained. This constitutes the true glory of the Catholics of Maryland, and gives them an enviable distinction above every contemporary regularly constituted government.

An incident is recorded as having happened in 1638, which is highly honorable to Governor Calvert and his associates, to their liberality of feeling and honesty of purpose in administering impartial justice between the Catholics and Protestants. A proclamation had been issued by the Governor, which had the force of law, prohibiting all unseasonable disputations on points of religion, tending to the disturbance of the public peace and quiet of the colony, and to the opening of faction in religion.

Captain Cornwallis had two servants, who were Protestants, but who lodged in the same house with William Lewis, a zealous Papist, and who had some control over these servants. Two of them, Francis Gray and Robert Sedgrave, were one day reading aloud in a Protestant book, "Smith's Sermons," when William Lewis came into the room. Either by design or accident, they read sufficiently loud for Lewis to hear some offensive passages in it, such as "that the Pope was Antichrist, and

the Jesuits antichristian ministers." Lewis told them "it was a falsehood, and came from the devil, as all lies did, and that he that writ it was an instrument of the devil, and he would prove it, and that all Protestant ministers were the ministers of the devil," and forbade them from reading that book any more.

This ebullition of passion led to serious consequences, for the servants became exasperated and drew up a petition, as Lewis said, to be presented to the Governor of Virginia, as soon as they could obtain the signatures of all the Protestants in the colony, but as the others alleged, to be presented to the Governor and Council of Maryland. The purport of it was, to complain against Lewis for his abuse of Protestant ministers, and for his not allowing them to keep and read in his house books relating to their religion.

But before the complainants had an opportunity either to obtain signatures or to present the petition, the matter came to the hearing of Captain Cornwallis, the master of the servants, as well as one of the Council. Calling the Secretary Lewger to his assistance, he ordered the parties and their witnesses to be brought before them. After an examination, the parties were bound over to appear at the next court. The court consisted of Governor

Calvert and the Secretary Lewger. When the matter came to trial, on account of the absence of witnesses, the "censure" of the servants, who were Protestants, was deferred. Governor Calvert called on Secretary Lewger for his opinion, as to the proper punishment of Lewis for his "offensive speeches and unseasonable disputations in point of religion, contrary to public proclamation to prohibit all such disputes." He gave it as his opinion, that Lewis should be fined five hundred pounds of tobacco, and remain in the sheriff's custody till he should find sufficient security for his good behavior in time to come. Captain Cornwallis was for the fine, but not for binding him over for his good behavior. But Governor Calvert concurred wholly in the sentence of the secretary, and it was carried into effect. What became of the servants is not known.

This incident alone places Governor Calvert and his associates far above the legislators and magistrates of his times, shows them to have been just and impartial, upright and high minded men, and presents a bright exception to the wretched bigotry and intolerance of the age.

There is another incident among the records of 1642, which goes to show that the rights of Protestant churches were as safe in the

hands of the Catholics, as the rights of Protestant individuals.

“*March 22d, in the Afternoon.* There was a petition presented by David Wickliff, in the name of the Protestant Catholics of Maryland, and respited till the next morning.

“*March 23d.* The petition of the Protestants was read, complaining against Thomas Gerard, for taking away the key of the chapel, and carrying away books out of the chapel, and such proceedings desired against him as unto justice appertaineth. Mr. Gerard being charged to make answer, the House, upon hearing of the prosecutors and his defence, found that Mr. Gerard was guilty of a misdemeanor, and that he should bring the books and key taken away to the place whence he had them, and relinquish all title to them or the house, and should pay a fine of five hundred pounds of tobacco towards the maintenance of the first minister that should arrive.”

Such is the scantiness of the records, that it is impossible, perhaps, to ascertain who these “Protestant Catholics” were, or “Protestants,” as they are called in the minutes of the second day’s proceedings. We may conjecture, however, with some degree of probability, that they were Episcopalians, from “the carrying away of the books.” From the form of ex-

pression near the close, that the fine should be given "to the maintenance of the first minister who should arrive," it seems not unlikely, that this was the first Protestant church erected in the colony, and that Gerard, an ardent Catholic, in his zeal to suppress the enterprise at the outset, was led to do an act, which, though consonant with the spirit of the times, was not borne out by the leading men of his own party in religion.

Such respect for the rights of conscience seems to have been shown from the beginning of the settlement. It has been asserted, that the Governor and Judges were bound to this course of conduct by their oaths of office. It is a fact, that, during the administration of Governor Stone, ten years after this, a form of oath was prescribed by Lord Baltimore to this effect; "I do further swear, that I will not, by myself, nor any other person, directly nor indirectly, trouble, molest, or discountenance any person whatever, in the said province, professing to believe in Jesus Christ." But the candid historian must further state, that this was an oath prescribed to be administered to a Protestant, who had indeed been appointed by Lord Baltimore, but during the ascendancy of the Parliament or Puritan party in England, and was intended to protect the

Catholics quite as much as the Protestants, as we must perceive by the specification which follows; “and in particular no Roman Catholic, for, or in respect of, his or her religion, nor in his or her exercise thereof.”

There is, however, in the statute-book of Maryland, a law of the same date, which must have emanated of course from the people, as well as have been sanctioned by Governor Calvert and Lord Baltimore, and which breathes the most liberal spirit, and expresses the most enlightened ideas of the rights of conscience. It is probably the earliest enactment of the kind in the history of the world. A part of it runs thus.

“And whereas the enforcing of the conscience, in matters of religion, hath frequently fallen out to be of dangerous consequence in those commonwealths where it hath been practised, and for the more quiet and peaceable government of this province, and the better to preserve mutual love and unity among the inhabitants; No person or persons whatsoever, professing to believe in Jesus Christ, shall from henceforth be any way troubled, molested, or discountenanced, for, and in respect of, his or her religion, nor in the free exercise thereof, nor in any way compelled to the belief or exercise of any other religion, against his or her

consent. Any person presuming contrary to this act, and the true meaning and intent thereof, directly or indirectly, in person or estate, wilfully to disturb, wrong, trouble, or molest any person so professing, shall pay treble damages to the person so wronged or molested, and also forfeit twenty pounds sterling, half to the proprietor and half to the injured party, and, on default of paying the damage or fine, be punished by public whipping and imprisonment at the pleasure of the lord proprietary."

By the same law it was made penal to use any reproachful words or speeches concerning the Blessed Virgin Mary, or the holy Apostles, or Evangelists, or any of them; or to reproach any person with the name of heretic, schismatic, idolater, Puritan, Independent, Presbyterian, Popish priest, Jesuit, Jesuited Papist, Lutheran, Calvinist, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, or Separatist; an enumeration of names, which shows that the colony was already composed of a great variety of religious sects, besides the Catholics. But amidst all this apparent provision for the rights of conscience, by a strange inconsistency it is made equally penal, by the same law, to promulgate the religious opinions now held by a large and respectable denomination of Christians.

There is an anecdote related concerning a clause of the above law, which serves to show the bigotry of the times. After the Parliament had become predominant in England, Lord Baltimore, on the occurrence of some difficulty with the Virginia colony, was called before a committee of that body. In the course of the interview, it was thrown out to his lordship, that he had inserted a provision in the laws of the colony, protecting the Virgin Mary from reproach. Whereupon a member of the committee rose and said, that he wondered such an exception had been taken; "for," he added, "does not the Scripture say that all generations should call her blessed?" And the argument completely silenced the scriptural canters.

The testimony which exists in the early history of Maryland to the reality of the toleration, that was enjoyed in the colony, is full and ample. It is confirmed in the shape of a certificate from the Protestants who resided there, and who must, of course, have known how much freedom they possessed.

"The declaration and certificate of William Stone, Esq., Lieutenant of the province of Maryland, by commission from the Right Honorable Lord Baltimore, Lord Proprietary thereof, and of Captain John Price, Mr. Thomas Hatton, and Captain Robert Vaughan, of his lordship's Coun-

cil there, and of divers of the burgesses now met in Assembly there, and other Protestant inhabitants of the same province, made the 17th day of April, 1650.

“We, the said Lieutenant, Council, burgesses, and other inhabitants above mentioned, whose names are hereunto subscribed, do declare and certify to all persons whom it may concern, That according to an act of Assembly here, and several other strict injunctions and declarations by his said lordship for that purpose made and provided, we do here enjoy all fitting and convenient freedom and liberty in the exercise of our religion under his lordship’s government and interest ; and that none of us are any ways troubled or molested, for or by reason thereof, within his lordship’s said province.”

This is signed by the Governor and Council, and fifty-one burgesses and citizens, who were Protestants. This certificate was obtained, it is true, during the dominion of the Parliament, and was intended, doubtless, to shield the province from their rash visitation ; but there can be no doubt that it exhibits the true state of things from the beginning.

It will be observed that nothing more has been claimed for the first settlers of Maryland, than the exercise of toleration in religious matters, far beyond their contemporaries on both

sides of the Atlantic.' It does not appear, that they established or even conceived of absolute religious freedom, as it is now understood, and indeed made practical in the constitution of the United States, in which the legislature is forbidden to pass any law upon the subject, and all connection between church and state is dissolved for ever. The praise of originating that idea, and of carrying it into practice, belongs to Roger Williams, the founder of Rhode Island, whose life has already appeared in these volumes.

As early as 1635, he advanced the doctrine in the Massachusetts colony, that "civil government had nothing to do with the conscience and religious opinions of men, but only their bodies, and goods, and outward estates." For this sentiment, so just and true, and now so universally acknowledged, he was persecuted and banished by the Puritans. But both himself and his opinions found an asylum in the wilderness, where he founded a new community upon the express stipulation, that the government constituted by them should extend "only to things civil."

CHAPTER XV.

The Indians become hostile. — Training of the Militia. — Expeditions against the Indians. — Anecdote of the Missionaries. — Governor Calvert applies to Virginia for Aid against the Indians of the eastern Shore.

GOVERNOR CALVERT, by virtue of his commission, was not only the executive in civil affairs, presiding officer of the legislature, and head of the judiciary, but likewise commander-in-chief of the military forces of the colony. In this capacity he had no inconsiderable duties to perform. For the first six years of his administration, the surrounding Indians, the only enemies they could possibly have, appear to have been disposed to cultivate with the colonists a friendly intercourse. This was promoted, doubtless, by the untiring labors of the Catholic missionaries, who either resided at the headquarters of the principal tribes, or made frequent excursions to the large towns and villages throughout the province.

But the settlements of the whites became more and more extended. In the same proportion, the hunting grounds of the Indians were circumscribed. Every ship poured in new com-

panies of emigrants, who, in order to obtain land for cultivation, must supplant some portion of the original possessors.

The Indians at length naturally took the alarm. If any attempt was ever to be made to recover their country from the intrusion of the English, now was the time. They were daily becoming weaker and their enemies stronger. If there had been union among the tribes inhabiting the territory of Maryland, it was not too late for them to wage a successful war against their invaders. But they were divided among themselves, and separated from each other by the broad Chesapeake, the Susquehanna, and numerous smaller streams. They had no King Philip, like the savages of New England, to unite by his popularity and direct by his talents the scattered tribes. Nor does there seem to have been any commanding tribe like the Powhatans in Virginia, to overawe and marshal the rest in any concerted attack upon the whites.

With the Yoacomicoes, who inhabited the lower part of the peninsula, and within whose territories the colony made their first settlement, they seem to have always maintained a good understanding. The Piscataways, higher up the Potomac, were generally peaceable, and the Patuxents, on the bay, were for the most part friendly.

The next tribe, which lived about the mouth of the Patapsco, and which are called by the missionaries Pascatoes, seem never to have given any trouble, restrained perhaps by their King, Tayac, who was early converted to Christianity. The Susquehannocks, who lived about the mouth of the Susquehanna River, were generally enemies, not to the whites alone, but to all the other tribes. On the eastern shore of the Chesapeake, three predominant tribes are mentioned in the early records, the Tockwocks, the Ozinies, and the Nanticokes, who ranged from north to south in the order of these names.

As early as 1638, it was found necessary to pass a militia law, which provided that the captain of the military band, at the direction of the Lieutenant-General, should "use all power necessary, or conducing, in his discretion, to the safety and defence of the province." In pursuance of the "Act for Military Discipline," mentioned above, a commission was issued to Giles Brent, one of the Council, bearing date the 29th of May, 1639, "appointing him to be captain of the military band, next under the Lieutenant-General, requiring him to train and instruct all the inhabitants of the colony, able to bear arms, (those of the Council excepted,) in the art and discipline of war, on holidays and at any other times when there shall be need,

and by himself, or his sergeant, or other officer, once a month, if he shall find it needful, to view, at every dwelling house within the said colony, the provision of necessary arms and ammunition." Any deficiency was liable to a fine of thirty pounds of tobacco.

Of the details of these wars little now remains. That they were not conducted upon a very extensive scale, would appear from the following general orders, issued under nearly the same date with the preceding, and signed by Governor Calvert and two of his Council.

"Whereas it is found necessary forthwith to make an expedition upon the Indians of the eastern shore, upon the public charge of this province, it is to that end thought fit, that a shallop be sent to Virginia for to provide twenty corslets, a barrel of powder, four roundlets of shot, a barrel of oatmeal, three firkins of butter, and four cases of hot waters ; and that five able persons be pressed to go with said shallop ; and necessary provisions of victuals be made for them. And that a pinnace be made to go for Kent sufficiently victualled and manned, and thirty or more good shott, with necessary officers, be pressed out of the province ; and that each of the shott be allowed after the rate of a hundred pounds of tobacco per month, or another man in his room to tend his plantation,

and two sergeants double the said rate ; and that victuals and other necessary accommodations for said soldiers, and for all others who shall go as volunteers, be made and provided ; and two pinaces and one skiff, if there be need, shall be pressed and fitted for the transporting and landing of the said companies ; and that good laboring hands be pressed to supply the places of such planters as shall be pressed upon the service, and be allowed after the same rate of one hundred pounds per month."

What was the result of this expedition no record is left to show. But the order is curious, as exhibiting the resources of the colony at that time, their connections with the Virginians, and their mode of carrying on military operations.

The small number of the troops, sent against so powerful a tribe as the Susquehannocks, gives us no very impressive idea of their real strength in actual warfare. In fact, bows and arrows, tomahawks and scalping-knives, have never been found a match for firearms. Savages, in their conflicts with civilized men, are successful only in the employment of surprise and ambuscade. When cut off from these resources, they have neither the coolness nor the discipline to maintain a fair fight in an open field. The forests of Maryland were unfavorable to their mode of warfare. There is scarcely any under-

growth, and a foe may be discovered almost as far as if there were no trees to obstruct the view.

The next year a commission was issued to a Nicholas Hervey to chastise the Maquanti-quots for certain "insolences and rapines" committed upon the English, and for which they refused to make satisfaction. Who these Indians were, or where they resided, is not known at the present day. More is known of the Ozinies, who gave the colonists some alarm the year after, 1641. This tribe inhabited that part of the eastern shore which borders on Chester River, and were only about fifteen miles from the settlement on Kent Island. They could muster a force of sixty warriors. They were of course dangerous neighbors to the inhabitants of that island. This year they began to commit some depredations upon the planters, which demanded the attention of the government. Governor Calvert saw fit to issue the following proclamation.

"Whereas it is necessary at this present to stand on our guard against the Indians, these are therefore to publish, and strictly to prohibit all persons whatever, that no man presume to harbor or entertain any Indian, after notice hereof, upon pain of such punishment as by martial law may be inflicted; and I do hereby authorize and declare it lawful to any inhab-

itant of the Isle of Kent, to shoot, wound, or kill any Indian whatsoever, coming upon the said island, until further order be given herein."

We see by this proclamation, that a state of feeling had arisen between the natives and the colonists, in violent contrast with the amity which at first prevailed, the fruit doubtless of mutual injuries and aggressions, but above all of the irreconcilable hostility of their position; a state of things, which has never failed to take place where the Indians have long been in close contact with the whites. A war of extermination is inevitably the consequence. The Indian feels himself wronged by the very presence of the whites upon the hunting grounds of his forefathers, and he knows no measure when the opportunity occurs for vengeance; and the white man finds no safety but in the destruction of his foe.

These Indian troubles appear to have reached their height in the year 1642. The summer of this year was passed in perpetual alarm. The planter in his field, the traveller on the road, and the women and children at home, were in continual fear that their wily enemies might rise upon and murder them. Their foes had lately become more formidable by having learned the use of firearms. It had been made penal for the colonists to sell either

arms or ammunition to the Indians. But the Swedes, who had settled on the Delaware, near the site which Wilmington now occupies, had no scruples in trading with the Susquehannocks in those dangerous articles of merchandise, and, it was said, of teaching them military discipline. Claiborne, too, was not free from suspicion of stimulating the discontent of his old neighbors and associates.

That the settlers were in great and perpetual peril this year, appears from the following orders promulgated on the 23d of June.

“That no inhabitant, as householdæ, entertain any Indian upon any color of license, nor permit to any gunpowder and shot.

“That all householders provide fixed guns, and sufficient powder and shot for each person able to bear arms.

“No man to discharge three guns within the space of a quarter of an hour, nor concur in discharging so many, except to give or answer alarm.

“Upon hearing any alarm, every householder to answer it and continue it as far as he may.

“No man able to bear arms, to go to church or chapel, or any considerable distance from home, without fixed gun, and a charge at least of powder and shot.

“Of these every one is required to take

notice, on pain of contempt; for better execution, the sergeant to inform the Lieutenant-General or Captain."

Of the incidents of these Indian hostilities scarcely anything is now known. The names of the hostile tribes are preserved by a proclamation of Governor Calvert, dated September 13th of this year. "By the Lieutenant-General; These are to publish and declare that the Susquehannocks, Wycomesses, and Nanticoke Indians are enemies of this province, and as such are to be reputed and proceeded against by all persons."

The Nanticoke Indians resided on the banks of the river, which still bears their name, as also the Susquehannocks. No trace is now left of the Wycomesses, nor is it known even where they lived. Father White, in his letters, speaks, under the date of 1642, of the massacre of a whole English settlement. This massacre must have been perpetrated somewhere within the kingdom of Tayac, comprehending, as we have seen, the country to a wide extent around the mouth of the Patapsco.

Father White's notice is briefly to the following effect; "We were the more induced to take up our abode at Port Tobacco, from the fear we entertained of being compelled to abandon Pascatoe altogether, on account of its

neighborhood to the Susquehannocks, which tribe is the most ferocious and warlike of all these regions, and most hostile to the Christians. They had lately attacked a settlement of ours, and murdered all the inhabitants, carrying away great spoil, which, besides the massacre, was a serious loss. And had not this outrage been promptly avenged by military force, a result which we scarcely hoped, such were the conflicting sentiments of the colonists, there would have been no more safety for us at that place."

We have here a hint of those religious dissensions, which had then begun in the province, occasioned by the turn which things were taking in England between the King and Parliament, and which afterwards broke out into civil war. The place above referred to was probably a Catholic missionary station; and such was the state of feeling between the Catholics and Protestants, that the Catholics feared that the outrage of the Indians would not be punished as it deserved.

There is an incident related by Father White, among the events of this year, which serves to show the dangers to which the colonists were constantly exposed of surprise and ambuscade from their savage enemies, and the

state of belief in the supernatural, which then existed. Father White relates ;

“ It also pleased the Divine Goodness, by the power of his cross, to work something beyond the powers of nature. The circumstances were these. An Indian of the Anacostan tribe, while he was passing through a certain wood in company with others, chanced to fall a little behind his companions, when some savages of the Susquehannock tribe, which I have before mentioned, rising up from an ambuscade, made a sudden attack upon him, and with a light but strong spear of the locust tree, of which their bows are made, armed at the point with a long steel blade, pierced him through from left side to right within a palm's breadth of the armpit, near the heart itself, leaving a wound on both sides of two fingers' breadth. The man instantly fell ; the attacking party fled with all speed. His friends, recalled by the sudden noise and outcry, returned, took him up from the ground, and carried him to a boat which was not far off, and from that to his house in Pascatoe, and there left him speechless and insensible.”

Father White, who happened to be near at hand, being informed of the accident, early the next morning hastened to see him. He found the man lying on a mat before the door,

near a fire, surrounded by a crowd of his tribe, not indeed altogether speechless and insensible, as the day before, but each moment approaching inevitable death, and chanting in a low, mournful tone, in which his companions joined, according to the custom of his tribe, when a distinguished man is about to die.

Some of his friends were converts to Christianity, and they contrived to weave into their words, which observed a musical cadence as well as a mournful expression, a meaning to this effect, that he might live if such was God's will; and they repeated it over and over, until Father White attempted to address the dying man. The Indian immediately recognized him, and showed him his wounds. The father pitied him exceedingly, and, when he perceived his peril to be imminent, without any preliminaries ran over the principal articles of faith, and, having excited him to penitence for his sins, received his confession. Then, arousing his mind to hope and confidence in God, he recited that portion of the Gospel, which is usually read over the sick, as also the litany of the Blessed Virgin, and directed him to commend himself to her most holy prayers, and to call upon the sacred name of Jesus without ceasing.

The father was obliged to leave him to

visit an old Indian, that could not possibly live till the next day, for the administration of baptism; but, before his departure, applying to the wound, on each side, the sacred relics of the most holy cross, which he carried suspended around his neck in a casket, but had now taken off, he admonished the by-standers that when he had breathed his last, they should carry him to the chapel for burial.

It was now noon, when the father departed, and the next day at the same hour, while borne along in a boat, he saw two Indians in a canoe rowing toward him. When they came alongside, one of the Indians stepped on board his boat. He gazed at the man a long time in doubt, but the Indian easily recognized him, since he was unchanged. While he could not persuade himself that this was the same man he had left in such a condition the day before, the Indian, suddenly opening his blanket, showed the scars, or rather a red spot, on each side, which were the only traces of the wounds he had received, and at once removed all doubt of his identity. He declared, moreover, with great joy, that he was well, and had never ceased, from the hour when the father left him the day before, to invoke the most holy name of Jesus, to whom he attributed his restoration.

All who were in the boat with the father,

submitting the thing to the testimony of eyes and ears, burst forth into praise to God, and giving of thanks, and, much elated by the miracle, were confirmed in faith.

The father, after admonishing the man that he should never forget to give thanks for so great and so manifest a divine interposition, and never cease to love and honor that most holy name and that most holy cross, dismissed him. As he went away, he paddled his canoe with as powerful a stroke as his companion, which he could not have done, had he not been as sound and strong as ever.

These outrages of the Susquehannocks were perpetrated, it is probable, within the dominions of Tayac. Had he been alive, and a friend to the English, as he always had been, no such thing could have happened. But he had now been dead a year, and his two sons and a daughter were receiving a Christian education at St. Mary's. One hundred and thirty of his people had already been baptized. This fact accounts for the neutrality of this large and powerful tribe during all the Indian wars.

While the frontier settlements on the north were disturbed by Indian hostilities, the inhabitants of St. Mary's county itself were in a state of constant alarm. The Nanticokes of the eastern shore, who had long waged war with

the Virginians at the extremity of the peninsula, turned their arms against their neighbors in Maryland. To this they seem to have been provoked by a joint expedition against them, set on foot by both colonies, in consequence of some murders they had committed on the eastern shore of Virginia.

The danger was so imminent, that a proclamation was issued by Governor Calvert, on the 28th of August, for the purpose of "reducing the inhabitants living weakly dispersed in several plantations to some places of better strength, in case of any sudden inroad of Indian robbers and pillagers." Places were appointed to which to carry the women, on the occurrence of any alarm. Martial law was proclaimed, the sheriff of the county was ordered to take command of the military force, and a garrison was placed in the fort of St. Inigoes, within or near the town of St. Mary.

Governor Calvert moreover thought proper to apply to the Virginia colony for aid. His letter to Governor Berkeley is upon the state records, and is almost the only account which now remains of these movements against the Indians. It gives us a glimpse of the posture of affairs at its date, and is especially valuable as showing the numerical strength of the colony at that early day.

“From St. Mary’s, August 23d, 1642.

“HONORED SIR,

“The knowledge I have of your most diligent and provident care of the general good and safety of all his Majesty’s subjects committed to your charge, and the affection you have to ours of this province, your neighbors and fellow-subjects, makes me confident to present unto you the necessity, which the barbarous massacres committed formerly upon John Angood and four others of his Majesty’s subjects in his company, belonging to your colony, and now lately again upon eight more belonging to this province, together with the burning and robbing of their houses, hath drawn both upon yourself and me the necessity of setting forth an expedition against the said Indians, for the vindicating the honor of our nation, and also to deter the like outrages upon us for the future.

“For this purpose, I have desired this gentleman, Colonel Trafford, to present my requests unto you for the aid of one hundred men, furnished and set forth, fitting for the service from you out of your colony, to be with me at the Isle of Kent, where I have appointed our rendezvous on the 1st of October next, when I will have in readiness one hundred more, if this province will be able to afford

them with safety of those that must be left at home in their houses.

“Sir, the first harm was yours from the fore-said Indians, which I was desirous to have revenged, had I been able, being nearest to the habitations of them, as I formerly have done upon the Nantick Indians for the death of Rowland Williams of Accomack, before the joint expedition made by both colonies. Since we have received this last mischief, by reason yours by Angood’s health and his company was no sooner punished, therefore I doubt not but you will apprehend the necessity, which our general safety for the future requires, that it be no longer deferred, but put in execution with all the speed that may be, to which I will not fail to add what help I can from hence.

“This gentleman, Colonel Trafford, will be able to inform you of all things that you shall desire to hear concerning it from here. His worth and abilities are known to you; wherefore give me leave to refer you to him, and rest your faithful friend to serve you,

“LEONARD CALVERT.”

The result of this application is totally unknown. This much, however, is shown by the records, that the hostilities of the Indians were

renewed the next year, and that they were shut out of the peninsula by special proclamation, from tide water on the Patuxent by a straight line across to the Potomac.

CHAPTER XVI.

Change of Political Affairs in England. — Its Effect upon the Colony. — The Long Parliament. — Governor Calvert visits England. — Returns. — Is expelled, and retires to Virginia.

THE administration of Governor Calvert had hitherto been quiet and prosperous. But about this time the scene changed, and the remainder of his life and government, extending over a period of four years, was a series of perplexities and disasters.

During his residence in Maryland, the face of political matters in England had entirely changed. In the space of nine years, the British constitution had been in effect overthrown, first by the palpable abuses of the royal prerogative by Charles, and then by the no less atrocious usurpations of the Commons.

During that period, the monarchical branch of the government, from which the charter of Maryland had emanated, and under which it had been administered, had gradually declined from its ascendancy, and dwindled almost to nothing. The consequence was, that the authority of the proprietary, whose deputy Governor Calvert was, declined in proportion.

The course, which events had taken in England, was calculated to unsettle everything, especially in Maryland. The tenure of all property became uncertain, since it was held under the charter immediately by grant from Lord Baltimore, who himself held from the King. Moreover, Lord Baltimore was a Catholic, and the Puritan party, which was fast engrossing all power in England, were deadly enemies to the church of Rome, and each year had probably increased their number in this colony, and diminished the numerical majority of the Catholics.

King Charles signed the Maryland charter on the 20th of June, 1632. At that time he supposed himself to possess the same power in England, which had been exercised by Henry the Eighth and the house of Tudor, a power like that assumed, not long after, by Louis the Fourteenth of France, when he declared, "I am the state." But he was deceived in imagining

that such arbitrary principles were any longer practicable. The English people had changed, become better educated, and wealth and power had become more equally distributed.

“ England,” says Hume, “ was in this respect unhappy in its present condition, that the King had entertained a very different idea of the constitution, from that which *began* in general to prevail among his subjects. He did not regard national privileges as so sacred and inviolable, that nothing but extreme necessity could justify an infringement of them. He considered himself as the supreme magistrate, to whose care Heaven, by his birthright, had committed his people, whose duty it was to provide for their security and happiness, and who was invested with ample discretionary powers for that salutary purpose. If the observance of ancient laws and customs was consistent with the present convenience of the government, he thought himself obliged to comply with that rule, as the easiest, safest, and what procured the most prompt and willing obedience. But when a change of circumstances, especially if derived from the obstinacy of the people, required a new plan of administration, national privileges, he thought, must yield to supreme power ; nor could any order of the state oppose any right to the will of the sovereign directed to the public good.”

These observations of Hume, as it curiously happens, are made under the date of 1634, the very year that Leonard Calvert landed in Maryland. Charles was then governing England upon these principles. It was now five years since he had called a Parliament. He was ruling the nation without any, and it is said that he had determined never to have another. The democratic part of the constitution was then prostrate. The aristocratic part, by the omission of Parliament, was deprived of all other power than that which inheres in rank and wealth. The monarch was all. Taxes were levied by proclamation and the sale of monopolies, and when driven to a strait, exorbitant fines and arbitrary confiscations were resorted to by Charles to support his government.

Such was the state of things when Governor Calvert left England; and amidst the general prosperity, which then existed, it might have been acquiesced in, no one can tell how long. Taxes illegally collected were honestly expended, and the personal character of Charles was such as to inspire no inconsiderable degree of respect. Instances of extortion and oppression were confined to the opulent, and therefore failed to excite the indignation they deserved.

The first three years of the period, whose history in Maryland we have been narrating,

were passed in England in comparative tranquillity. But there was a growing feeling of dissatisfaction and discontent. Popular liberty, it was plainly seen, was at an end, and there could be only a false peace until Parliaments were restored, and it proved that the calm which prevailed was that which precedes the storm.

Charles might have reigned longer if he had let religious rights alone. The nation was then divided into three religious parties, the Episcopalians, the Catholics, and the Puritans. The Scottish church was Presbyterian, but closely allied in sympathies and sentiments with the Puritans of England. The Episcopalians were in possession of political power, and they comprehended almost the whole aristocracy of the realm. The Puritans were composed of the middle classes, and embraced a large share of the enterprise, the intelligence, and the industry of the kingdom. The Catholics were a party much smaller than either, and were hated and oppressed by both the other two.

The King was an Episcopalian, we have every reason to believe, really and sincerely. Like his father, he seems to have thought that that form of church government comported best with the political elements of monarchy and aristocracy.

The Queen was a Catholic, and brought

from France a long retinue of priests and ecclesiastics. She was therefore an object to the nation at large of jealousy and distrust. Charles was tenderly attached to his Queen, and his conjugal virtues, ever so rare in Kings, tended to alienate the hearts of his people from his person and government the more. That attachment secured, it cannot be doubted, a greater degree of tolerance for the Romanists than they otherwise would have received, and perhaps contributed not a little to procure from Charles that favorable charter, which he granted to Lord Baltimore and the Catholics whom he sent to America.

Not only was Charles an Episcopalian in sentiment, but, like his father, he entertained a strong feeling of dislike towards the Puritans. He wished to establish a religious uniformity, upon the basis of the Church of England. In England this might perhaps have been possible; but the attempt to enforce it in Scotland aroused a spirit of resistance, which was soon communicated to England, and raged with increasing violence, till it prostrated the monarchy, and brought Charles himself to the block.

In 1635 orders were given for the introduction of the service-book and liturgy into the Church of Scotland. Immediate resistance and disorder were the consequences.

In 1638 the famous league and covenant was signed, pledging the Scots to perpetual and determined resistance to the interference of Charles in their ecclesiastical affairs. Sixty thousand people immediately rallied to the support of the covenant, ready to kindle the flames of civil war, and shed their blood in defence of their religious liberties.

In 1639 Charles had collected an army, and marched towards Scotland, to put down the rebels. But, averse to the shedding of blood, he entered into treaty with the malcontents, and for a while there was a prospect of a general pacification. Such, however, was the violence of national and religious feeling, that the negotiation failed. In 1640 preparations for war were renewed. But war could not be carried on without money, and money sufficient to carry on a war could not be raised without a Parliament. This year a Parliament was called; but, when assembled, it was found to be as refractory and contumacious, as that which had been dissolved eleven years before. The King, finding this to be their temper, again resorted to his prerogative of dissolution.

The dissolution, however, was no substantial relief to Charles. His necessities were as pressing as ever, and he was compelled to summon another, which met in November of the same

year. This was the famous Long Parliament, so renowned in English history, which entirely revolutionized the British constitution, and for a season annihilated the monarchical and aristocratical elements of the government.

A majority of it were Puritans, and, instead of taking the King's part against the Scottish Presbyterians, they joined their cause against the King. Before the energy and ability of this Parliament the cause of royal authority began to fall. Charles's principal ministers and advisers were soon brought to the scaffold; one prerogative after another was attacked, until the constitution was in as much danger of being destroyed by the encroachments of the Commons, as it had before been from the usurpations of the crown.

In this state of things a civil war became inevitable, and both parties prepared for it. In 1642 the war commenced, not, however, before the King had been deprived of almost all power.

These domestic commotions could not do otherwise than seriously affect the colonies. That of Maryland was among the first to suffer. The soil was held by express grant from the King, and the government derived its authority from a charter to which the King alone was a party. As soon as his authority began to

crumble in England, it was inevitable that those who held power under him should feel their own proportionally diminished. The Parliament soon began to arrogate to itself all the attributes of sovereignty, and, among others, a control over the colonies.

As its party became stronger, Lord Baltimore and Governor Calvert had the prospect before them, daily more threatening, of being totally dispossessed of what had cost them so much labor, danger, and expense. And there were not wanting those in the colony itself, who were disposed to take advantage of this state of things. Insubordination appeared. One of the first points of difference between the King and Parliament was, as to whom belonged the right to call out and command the military force of the realm. So strong was the sympathy between the colony and the mother country, that almost simultaneously a disposition was manifested, by the little Assembly of Maryland, to wrest from Governor Calvert the power of commanding the petty levies of militia, which were called out to suppress the hostilities of the Indians. Another circumstance, which contributed to render the condition of the Catholics in Maryland more critical and perplexing, was the conduct of the Catholics of Ireland.

Lord Baltimore had naturally taken side, at an early period of the quarrel, with the King, his benefactor; and this circumstance, as the power of the Parliament mounted to the ascendant, made his possessions in Maryland more uncertain, and the colonists less disposed to submit to his authority.

In March, 1643, the Parliament, which had already assumed full sovereignty over the whole kingdom, as well as the colonies, passed an ordinance "for sequestering the estates of delinquents," which meant the zealous and opulent partisans of the King. This, of course, though not specially intended for Lord Baltimore, was applicable to him, and, if carried into effect, would at once and forever have deprived him of his possessions in Maryland.

This measure, of course, when known in Maryland, must have placed Governor Calvert in a condition of the greatest embarrassment. But before the arrival of the news of the passage of such an ordinance, he was on his way to England. What were the immediate motives which prompted his departure, we are not informed. Consultation with his brother is the most probable, and perhaps a desire to see with his own eyes the strange changes, which had lately come over the land of his birth.

Before leaving the colony, he issued a procla-

mation, dated April 11th, 1643, appointing Mr. Giles Brent to be "Lieutenant-General, Admiral, Chief Captain, Magistrate, and Commander of the province of Maryland," according to the authority which he had formerly received from his brother.

Governor Calvert must have arrived in England late in the spring, or early in the summer of 1643. The court was then at Oxford, and Lord Baltimore was probably there, as it was afterwards alleged against him as a ground for depriving him of his province, that he "had practised with the King at Oxford and Bristol against the Parliament."* A very different England did he

* In a tract, published in London, 1655, entitled "Virginia and Maryland, or Lord Baltimore's Printed Case uncased and answered," the writer says, "It is notoriously known that all the Lord Baltimore's Governors usually took the King's part against the Parliament; and his brother, Mr. Leonard Calvert, his only Governor while he lived there, ever declared himself against them. And to evince this irrefragably, and clearly to demonstrate the management and complexion of this business, both Lord Baltimore and himself at Oxford procured and sent over, in 1644, commissions under the King's broad seal, to surprise the Parliament's and London ships in Virginia, and to impose customs, raise regiments, and fortify the country against the Parliament, which appears by several writings under the Lord Baltimore's hand and seal." p. 11.

This pamphlet is written with warmth, and probably contains all that can be said on the Virginia side of the question in the controversy between that province and

find from that which he had left ten years before. The whole nation was in arms, and the flames of civil war were raging from one end of the country to the other. Nine pitched battles were fought within that year between the forces of the King and Parliament.

While the war was waging in England, and every thing was held in suspense, while Lord Baltimore and Governor Calvert were watching, as we may suppose, with intent anxiety the issue of the contest, new troubles sprang up in the province, which involved all things in confusion.

In November of this year, the Parliament passed an ordinance relating "to all those islands and plantations, inhabited, planted, or belonging to any of his Majesty the King of England's subjects, within the bounds and lying upon the coasts of America." It appointed the Earl of Warwick Governor-in-chief and Lord High

Maryland; and also an account of the proceedings of Claiborne and Bennet, as commissioners from the Parliament "for the reducement of Virginia, and the inhabitants thereof, to their obedience to the commonwealth of England." Several curious documents are appended to the work; among others the petitions of the inhabitants of Anne Arundel county, and others residing on the north side of the Patuxent River, to the commissioners, complaining of the proprietary government; and likewise the answers of Claiborne and Bennet to these petitions.

Admiral of the American colonies, with a council of five peers and twelve commoners to assist him. Authority was conferred upon them "to provide for order and dispose all things, which they shall from time to time find most fit and advantageous for the well governing, securing, strengthening, and preserving the said colonies, and chiefly to the preservation and enlargement of the *true Protestant religion* amongst the said planters and inhabitants." They were further empowered to appoint such subordinate governors, commanders, counsellors, and other officers, for these colonies, *as they should judge best affected*; that is to say, they were commissioned to resume all the grants, which the Kings of England had made to individuals, to remove all the royalists from office, and appoint in their stead the partisans of the Parliament.

We have no certain information that this ordinance was ever attempted to be carried into effect, as far as Maryland was concerned, during the administration of Governor Calvert. But we have every reason to believe, that Lord Baltimore, for a while, considered his authority in Maryland as virtually at an end, and his province lost. He went so far as to send written orders for the collection of his personal property, as far as it could be saved in the general confusion, and for its transmission to

a place of safety. But the commissioners, of whom Oliver Cromwell was one, seem to have been too busy at home to attend to the affairs of so distant and insignificant a province, as Maryland was at that day.

But what the commissioners neglected to do in their official capacity was attempted, and with partial success, by individuals upon their own responsibility. The passage of this ordinance was a signal for the onset of rebels and outlaws of every description, and the general overthrow of all legal authority.

A certain Captain Ingle was found hovering about the bay, and the harbor of St. Mary's, with the purpose, as was believed, and afterwards proved, of seducing the province to revolt, and of seizing by force upon the government. Governor Brent proclaimed him an outlaw, and ordered him into custody. He was taken, but afterwards made his escape, to contrive new mischief against the colony.

In the midst of these domestic troubles, the Indian hostilities broke out afresh. The Susquehannocks came down from the north in great numbers, and threatened to exterminate the English, now divided among themselves. There was, however, sufficient military force and discipline to keep them out of the lower part of the peninsula, to which the settlements

of the whites were chiefly confined. The whole of the year 1644 was consumed in military expeditions against the savages, and in attempts to establish with them better treaties and modes of intercourse.

Towards the close of the year, things in England assumed a somewhat different aspect. The cause of the Parliament had not been so victorious as was expected. They had not fulfilled their menaces against the provinces, and the King still kept the field, with a prospect, at least, of holding his own against his foes.

Under these circumstances, Governor Calvert saw fit to return to his province, bringing a new commission from his brother, confirming to him all his previous powers. He arrived late in the summer, or early in the autumn. He found every thing in disorder, and, worst of all, not sufficient authority in his own position to correct the disorders of the state. Scarcely had he arrived before he found that Claiborne, the old arch-enemy of the province, was again upon his feet, and had once more possessed himself of Kent Island. The first duty which devolved upon him, as the representative of his brother's authority, was to subdue or expel the insurgent. For this purpose, he despatched a reconnoitring party, consisting of eight men, in a shallop across the bay, with

orders to discover the position and force of the intruder ; and on the 1st of January following, Claiborne was proclaimed a public enemy of the province.

This attempt of Governor Calvert to recover Kent Island was, for the time, unsuccessful. Affairs in England, on which every thing in the colony depended, within the last six months had taken a turn unfavorable to the King, which was doubtless the reason why Claiborne had again attempted to disturb the peace of Maryland. The battle of Marston Moor, in the July preceding, had nearly prostrated the royal party, and left its friends defenceless throughout the kingdom.

The last that is heard of Claiborne, previous to his invasion of Maryland, is in 1642. It appears by the records, that he applied to the Assembly to restore to him the property, which he had forfeited by his conduct eight years before. In this application he had been repulsed. About this time, he received from the King the appointment of Treasurer of Virginia for life. But no sooner was his benefactor disabled, than he forsook him, joined his enemies, and became a zealous partisan of the Parliament. All things were now favorable for his recovery of his ancient possessions.

Kent Island, as we have seen, easily fell into

his hands. Then, in conjunction with Ingle, whom the records of the province brand with the name of pirate, he invaded the western shore, expelled the proprietary government, and for nearly two years they maintained themselves in possession of the supreme power. Governor Calvert took refuge in Virginia, without even securing the public records. These fell into the hands of the insurgents, were mutilated and destroyed at their pleasure, and with these have perished also the memorials of their own misrule. Enough remains to show, that their government was but another name for anarchy and oppression. In an address of the Assembly to Lord Baltimore, bearing date 1649, those two years of usurpation are thus described.

“Great and many have been the miseries, calamities, and other sufferings, which your poor, distressed people, inhabitants of this province, have sustained and undergone here since the beginning of the heinous rebellion first put in practice by that pirate Ingle, and afterwards, for almost two years, continued by his accomplices and confederates; in which time most of your lordship’s loyal friends here were spoiled of their whole estate, and sent away as banished persons out of the province. Those few that remained were plundered and deprived, in a manner, of all livelihood and subsistence,

only breathing under that intolerable yoke, which they were forced to bear under those rebels which then assumed the government of your lordship's province to themselves." *

Such were the wide-spread evils occasioned by the civil wars in England, affecting, as we have seen, the remotest provinces, and giving rise to the same devastation and ruin.

It has been thought, but there is little or nothing to countenance the supposition, that Claiborne and Ingle acted under authority from the commissioners of the Parliament for the regulation of the provinces. It does not appear that either of these men, or and of their associates, attempted to govern in the name of these commissioners. The only attempt at a regular and legal government, of which we have any information, was by a Captain Hill, who held a commission from the Council under the name of Governor Calvert, though it is probable that he never signed such an instrument. It is

* An interesting sketch of these troubles is contained in a pamphlet entitled "Leah and Rachel; or the Two Fruitful Sisters, Virginia and Maryland; their present Condition impartially stated and related. By John Hammond." 4to. London, 1656. The author says he had resided more than two years in Maryland. We may judge of the side which he took in the controversy by the closing words of his book. "It is that country in which I desire to spend the rest of my days; in which I covet to make my grave."

certain, moreover, that this Hill, whoever he was, considered himself as acting under the charter, as he proceeded to summon an Assembly according to its forms.

CHAPTER XVII.

*Governor Calvert returns with Military Force.—
Regains Possession of his Province.—Ban-
ishes the Insurgents.—Dies.—Conclusion.*

IN this state of anarchy nearly two years were consumed. In the mean time, every thing verged rapidly to ruin ; manors and plantations partly improved were forsaken, trade languished, and industry itself, deprived of all stimulus, began to feel the general paralysis.

But the worse the condition of the colonists was, the sooner were they likely to become disgusted with their new rulers, and the more heartily would they desire the return of their lawful Governor, who first led them into the wilderness. The tyranny wore itself out. Near the close of 1646, Governor Calvert, at the head of a small military force, returned to St. Mary's, took almost peaceful possession of

the government, and in a few months restored tranquillity and prosperity to a distracted province. He convened the very Assembly that Hill had summoned, and proceeded to enact laws for the good of the people. Hill surrendered without striking a blow, and went into retirement in Virginia. The whole western shore seems immediately to have returned to its allegiance, and affairs flowed on in their old channels.

It might seem incredible, that such a counter-revolution should have taken place in Maryland, and that the proprietary's government should have been so easily reëstablished, when the King's party in England were continually going down. Lord Baltimore himself had evidently given up all for lost. Under this idea he sent to his brother, then in Virginia, and to John Lewger, a power of attorney, apparently as a private citizen, "*and to whom they should appoint, to demand and receive, and, if need be, sue for, implead, and recover for his use, all rents, arrears of rents, profits, debts, and other dues whatsoever, which belonged to him either in Virginia or Maryland, and to dispose of them as he should from time to time direct.*"

The recovery of the province, therefore, must have been to him entirely unexpected, and the more gratifying on that account. The reason

of this easy conquest probably was, that the whole of Virginia and a large part of the population of Maryland had remained loyal. The Virginians had kept themselves scrupulously free from all Puritan contamination, as they considered it; and if, through the liberality of Lord Baltimore, any of that sect had crept into Maryland, they were few, and comparatively powerless.

There was, moreover, a strong and well deserved attachment to Lord Baltimore and his government. They felt that it had been uniformly mild, just, and generous, and in strong contrast with the narrow bigotry and fierce intolerance, which were everywhere displayed by the Parliament party. It was natural that, after a reign of terror, they should welcome back the representative of his authority, of whose benignant administration no one had ever had any reason to complain.

The inhabitants on the western shore of the Chesapeake immediately returned to its allegiance. Kent Island still held out. To reduce it to obedience was the business of the next spring. To effect this, all intercourse with the island was immediately forbidden by embargo. Proclamation to this effect was issued in January, 1647. In April, Governor Calvert proceeded with military force and took possession

of the island, and thus reëstablished his authority over the whole province. The inhabitants 'submitted themselves again to his lordship's government," and the Governor issued a general pardon, bearing date the 16th of April, 1647, to all the inhabitants therein named, "of and for all crimes of rebellion, or other offences whatsoever, committed within the province at any time before."

He then proceeded to settle the government by the appointment of such civil and military officers, as were necessary to the safety and defence of the island. This done, he returned to St. Mary's, with the prospect of enjoying the peace he had won by his courage and secured by his conduct.

But he returned only to die. The circumstances of his death are wholly unknown. It is only known, that he was surrounded, on his death-bed, by his family and connections, and in their presence named a successor to his office and his cares. His death occurred on the 9th of June, 1647.

In the exercise of the powers conferred upon him by his commission from Lord Baltimore, he named, as his successor, Thomas Greene, who immediately entered upon the discharge of the duties as Governor of Maryland. This, under the circumstances, was an office of great

difficulty, in the disordered state of the English nation, and the peculiar relations of the colony to the mother country. The soldiers, who had reconquered the province, were still unpaid. It had been stipulated, after the manner of those times, that they should pay themselves by pillage, in case there was any resistance. But there had been none, and therefore the soldiers looked for their compensation to the Governor, and after his death to the private fortune of the lord proprietary.

A Mrs. Brent, a kinswoman of the Governor, and a member of his family, took upon herself the administration of his estate, and, by the arrangement of the court, the management of the private property of Lord Baltimore in the province.

As it happened, there was then, after the late troubles, a great scarcity of corn; and no little suffering was caused to the soldiers still retained in garrison to keep the peace of the colony. In this strait a commission was issued to search out any store that might be concealed, and enough was brought to light to relieve the present necessities. The costs were defrayed from the property of his lordship, improperly as he thought, and this subject gave rise to the only serious misunderstanding, that ever took place between the proprietary and the people of Maryland.

The insurgents, on the recovery of the province, were in their turn driven into banishment. They abandoned their manors and plantations, and took refuge on the opposite shores of the Potomac, either because they found it an eligible settlement, or because they wished to linger near their estates and await a favorable turn of affairs, that they might regain their possessions, or at least annoy those who had driven them into banishment. They often came over in secret, or openly in arms, to the disturbance of the citizens of St. Mary's, till they were forbidden to do so by an express act of the Assembly.

Thus, after almost three years of civil war, peace was restored to the province of Maryland, to the expulsion of the partisans of the Parliament, although in the mother country that party was continually gaining power, and was steadily approaching the entire ascendancy in the state; a strong testimony this to the popularity of the Calvert family, to the affection, which we know from other sources was cherished towards it, and the conviction which must have prevailed, that the colonists could not be safer and happier than they had been under the government of Lord Baltimore, and his brother, Leonard Calvert.

All authorities concur in ascribing to these

two persons the highest qualities of rulers and of men. In an ignorant age they were enlightened, in a fierce and cruel age they were uniformly mild and humane, in a bigoted and persecuting age they were forbearing and tolerant. No man under their government ever complained, that he was deprived by their agency of the smallest right as a citizen or Christian. Possessed of hereditary wealth, they chose to use it in honorable enterprise, in carrying civilization and Christianity into a savage wilderness. The one was willing at vast expense to send, the other, with personal privation, toil, and danger, to lead, a colony across three thousand miles of ocean, to seek a home on a shore almost unknown. The one, at a distance, watched over the interests of the rising colony, and strove to ward off from it the consequences of civil convulsions at home; the other devoted his energies to the preservation of domestic peace, and to the defence of the infant settlement from savage foes, to the enactment of wholesome laws and the administration of justice.

Together they raised up a community unsurpassed, in this western world, for order, harmony, and general prosperity; and the scanty materials of its early history are in no small

measure owing to the fact, that as history deals principally in wars and calamities, the happiness of the early inhabitants of Maryland left little to record.

As a proof of the grateful feelings, which were cherished towards Lord Baltimore by that generation, we have a solemn vote of the Assembly, which dates three years after the death of Leonard Calvert, but which of course commemorates blessings received principally through his personal agency. It runs thus.

“Great and manifold are the benefits wherewith Almighty God hath blessed the colony, first brought and planted within the province of Maryland, at your lordship’s charge, and continued by your care and industry, in the happy restitution of a blessed peace unto us, being lately wasted by a miserable dissension and unhappy war. But more inestimable are the blessings thereby poured on this province, in planting Christianity among a people that knew not God, nor had heard of Christ. All which, as we recognize and acknowledge to be done and performed, next under God, by your lordship’s industry and pious intentions towards the advancement and propagation of the Christian religion, and the peace and happiness of this colony and province; so we doubt

not but our posterity will remember the same with all fidelity to the honor of your lordship and your heirs for ever.

“In contemplation whereof, we humbly beseech your lordship, that, as a memorial to all posterities, among the records of your court and of your great Assembly in this province for ever to endure of our thankfulness, fidelity, and obedience, it may be published and declared by your lordship and the Assembly, and enacted by authority of the same, That we, being bound thereunto, both by the laws of God and man, do recognize and acknowledge your lordship's just title and right unto this province, by the grant and donation of the late King Charles of England. And do also recognize your lordship to be true and absolute lord and proprietary of this province. And do hereby submit and oblige us, our heirs and posterities, until the last drop of our blood be spent, to maintain, uphold, and defend your lordship and your heirs, lords and proprietaries of this province, in all the royal rights, jurisdictions, authorities, and preëminences, given, granted, and confirmed unto your lordship, by the said grant and donation, so far as they do not in any sort infringe or prejudice the just and lawful privileges or liberties of the free-born subjects of the kingdom of England

“And we humbly beseech your lordship to accept the same as the first fruits, in this Assembly, of our fidelity to your lordship and your heirs and posterity for ever. Which if your lordship shall be pleased to accept and ratify by your assent, without which it can neither be complete nor perfect, nor remain to posterity, according to our humble desire, as a memorial of your lordship’s affection towards us, we shall add this also to the rest of the unspeakable benefits we have received by your lordship’s vigilancy over this colony.”

The next year but one after the death of Governor Calvert, the Independents and Presbyterians in England, having vanquished the Catholics and Episcopalians, began to quarrel among themselves. For seven years, all memorials of King and aristocracy were as much as possible suppressed. During that period, Virginia and Maryland were both “reduced,” as it was called, under the dominion of Oliver and the Parliament. Claiborne was once more let loose, in the shape of a parliamentary commissioner, upon the province, and, in connection with a man named Bennet, exercised for a season a most arbitrary authority over its inhabitants.

At the restoration, however, everything returned to its previous condition. Lord Balti-

more was fully restored to his proprietary rights, and, after enjoying them himself for more than forty years, transmitted them to his family. They retained them till the breaking out of the American revolution, when the proprietary's rights were set aside, and the people assumed the management of their own affairs.

L I F E

OF

S A M U E L W A R D ,

G O V E R N O R O F R H O D E I S L A N D ;

BY

WILLIAM GAMMELL

P R E F A C E .

THE materials for the following sketch have been obtained principally from the letters and private papers of Governor Ward, now in the possession of his descendants in the city of New York. In addition to these, the writer has examined the legislative records and the files of ancient documents in the office of the Secretary of State of Rhode Island, as well as the published memorials relating to that period of her colonial history. His aim has been to associate the life of a worthy and a leading patriot with the important era to which he belonged, and to make the narrative illustrate, as far as practicable, the spirit which prevailed in a colony whose services in the revolution have never yet been duly chronicled.

SAMUEL WARD.

CHAPTER I.

His Ancestry. — Birth and Education. — State of Society at Newport. — His Marriage and Settlement at Westerly in Rhode Island.

THE generation who peopled New England during the middle of the eighteenth century were witnesses of a series of events, whose importance in shaping the subsequent character and the ultimate destiny of the colonies can scarcely be estimated too highly. It was the age, in which was brought to a close the protracted struggle between England and France for ascendancy upon this continent; in which were suffered the worst evils of the ill-devised legislation of the Parliament, and the earliest aggressions of the British ministry upon the rights of the colonies; and in which were seen the first acts of resistance that terminated at length in the war of American independence.

To this generation belonged Governor SAMUEL WARD, the subject of the present sketch ; and in the colony with which he was connected he was among the foremost of the patriotic actors in the stirring scenes of the age.

He was descended from an ancient and respectable family, of which the first representative in this country was his grandfather, Thomas Ward, who came to Newport, Rhode Island, soon after the restoration of Charles the Second. In England he had been attached to the republican party, and had been somewhat conversant with the affairs of the Commonwealth. He was highly respected in the colony, to which he rendered many valuable services, both as a private citizen and as a member, at different times, of both branches of the colonial legislature. Thomas Ward died in 1689, leaving a second wife, whose maiden name was Amy Smith, and their only child, Richard Ward, who was born a few months before his father's death. Richard Ward, the father of the subject of this memoir, on attaining to manhood, was an active and exemplary citizen of Newport, engaged in commerce, and devoting much attention to the affairs of the colony, in whose service he was distinguished for his fidelity and probity of character. He was for several years Recorder, or Secretary of State,

and afterwards Deputy-Governor, of Rhode Island, and was twice elected to the office of Governor, in 1741 and 1742; after which he declined a reëlection, and retired to private life.

Samuel Ward, the second son of Richard, was born at Newport, on the 27th of May, 1725. His mind was early subjected to the discipline of that best kind of education, which arises from the associations of a well regulated family circle, of cultivated manners and liberal tastes. He was also sent to a grammar school in his native town, which in its day maintained a high celebrity as one of the best schools in the country. Here, aided, as is probable, by the instructions of his elder brother, Thomas, who graduated at Harvard College in 1733, he passed through a course of study which was probably more than usually extensive and thorough for one not destined for either of the learned professions.

For a considerable period prior to the American revolution, the ancient town of Newport was among the most flourishing commercial towns on the Atlantic coast. Its capacious harbor made it the resort of much of the foreign shipping that visited the colonies. - The enterprise of its inhabitants had embarked in nearly every branch of colonial trade, while the salubrity of its climate and the surpassing beauty of its

ocean scenery were already attracting temporary visitors from less favored climes, and making it what it has since become, the most delightful watering place upon the continent. Amidst its external prosperity and its intimate relations with the mother country, the society of the town is said to have been distinguished for its polished manners, and the intellectual spirit with which it was pervaded.

Here the philosopher Berkeley passed two years in maturing his generous plans for civilizing the Indians and educating young men of the colonies for the ministry of the gospel. This eminent man was much in the society of the town, and for a time assisted the rector of the Episcopal parish in the performance of his parochial duties. His active and generous spirit, enriched as it was by the most liberal culture and the noblest benevolence, must have exerted a controlling influence over every circle in which he moved. While residing at Newport, Berkeley is said to have composed his "Minute Philosopher," the most finished and the most enduring of all his writings, which has for ever linked his name with the quiet shores of the beautiful island which was then his home. He also founded a literary and social club, made up of the gentlemen of the town, which, no doubt,* was instrumental in

elevating its character, and promoting a unity of feeling in relation to subjects of general concern. From this association, whose object was "the promotion of knowledge and virtue," at a subsequent period sprang the Redwood Library, which, had it been earlier started, would doubtless have received from Bishop Berkeley the valuable collection of books, which, on leaving Rhode Island, in 1731, he distributed among the clergymen of the colony and presented to the colleges at Cambridge and at New Haven.

In the midst of a community whose social and literary character was expanded by influences like these, Samuel Ward passed his boyhood and youth, enjoying, in addition, the best advantages for a common education which the colony in that age could afford. He is believed to have devoted himself to the acquisition of knowledge with earnest diligence, and to have derived from the advantages which he enjoyed, what for the time was considered a remarkably good education. His father had long been extensively engaged in navigation, and was at the head of a trading house in Newport. He was also possessed of considerable estates in King's county, on the opposite shore of Narragansett Bay, which had also received a share of his personal attention. To

the charge of the same interests Governor Richard Ward directed the attention of his second son; and, by the time he had reached his majority, he had become conversant with the business alike of a merchant and of a farmer. He married, in early life, Anne Ray, the daughter of a respectable farmer of Block Island, and soon after removed to Westerly, and settled on a farm, which he received from his father-in-law, as the dower of his wife.*

Here, in a secluded portion of the colony of Rhode Island, Mr. Ward entered upon the duties of manhood, on a quiet plantation, which by his industry and judicious expenditures he soon formed into a valuable and beautiful estate. In accordance with the hereditary custom of his family, he also kept a store in the town of Westerly, and was often engaged in commerce both at Newport and at Stonington. In all these enterprises he was blessed with a good degree of prosperity, and early became

* This lady was an elder sister of "Catherine Ray of Block Island," whose name frequently appears among the correspondents of Dr. Franklin, and to whom he addressed some of the sprightliest of his familiar letters. See Sparks's *Franklin*, Vol. VII. pp. 85 et seq. The incidents referred to in the letter on the eighty-fifth page must have occurred while both Dr. Franklin and Miss Ray were on a visit at Mr. Ward's in Westerly.

possessed of such pecuniary means as rendered him independent of personal labor, and enabled him to devote his time and energies to the interests of his native colony, whose service was soon to demand the most patriotic exertions of all her sons. Though living in retirement, he did not withhold his attention from the public events which took place around him ; and, as the subsequent course of this memoir will show, he was always sagacious in apprehending the questions at issue, and among the foremost in advocating, both in private circles and in the public offices with which he was intrusted, the interests of justice, and truth, and freedom.

CHAPTER II.

His Mode of Life at Westerly. — Interest in Public Affairs. — Election to the General Assembly. — Services as a Legislator. — Participation of Rhode Island in the French War. — Mr. Ward is sent a Commissioner to the Earl of Loudoun. — His Report to the Assembly.

FOR a considerable period after his settlement at Westerly, Mr. Ward appears to have devoted

his principal attention to the improvement of his estate, and the prosecution of the commerce in which he had embarked. He studied agriculture as a liberal art, and soon became distinguished among his neighbors for the success with which he applied its principles. He gave much attention to the improvement of the several breeds of domestic animals with which his farm was stocked, and was particularly celebrated for the specimens he raised of the Narragansett pony, a race of horses which has now become entirely extinct, but which in that day constituted a leading article of export from the colony, and was greatly admired for the ease and fleetness of its movements.

According to the traditions which are still preserved in Rhode Island, the farmers of the Narragansett country, for a long period before the revolution, were generally men of a superior intelligence and a higher breeding than were often to be found in their brethren of the other agricultural districts of New England. Many emigrants of considerable fortune, who had come to this country in the early part of the eighteenth century, had been attracted to the beautiful and fertile farms which skirt the western shores of Narragansett Bay, and had planted there a large though scattered community, distinguished for intelligent enterprise, for accom-

plished manners, and for elegant hospitality. The mode of life then prevalent there combined much of the quiet and simplicity of the country with many of the characteristics of a commercial town. The distinctions of master and slave were still maintained; and negroes, most of whom were in servitude, and who then constituted nearly one tenth of the population of the colony, were to be seen in great numbers on every large estate. These features suggest to us a conception of agricultural life, and of social relations, such as would, perhaps, best be realized in our own day among the plantations of some of the upper counties of Virginia.

In retiring thus to the country, Mr. Ward by no means withdrew from the intellectual activity and cultivated society, to which he had been accustomed at Newport. There were living around him some of the leading men of the colony, whose companionship, not only in his own chosen pursuit of agriculture, but in every other sphere of life, was fitted to improve, as well as gratify, an intelligent young man. These persons formed themselves into a club for social intercourse and intellectual improvement, and were accustomed to meet at each other's houses, to bring together at the festive board the results of their reading or experience, and to discuss the public events which were

then beginning to assume an unwonted importance.

In this manner, interrupted only by occasional visits to Newport, and more rarely to Boston and New York, Mr. Ward passed the years of his early manhood. Living upon his own well ordered estate, from which, with a grateful spirit, he received the bounties of Providence, surrounded by his family and in the midst of congenial neighbors and friends, he stands out in the foreground of a picture which any man might well aspire to realize. From this retirement, however, he was soon to be summoned forth to mingle in the agitating politics of the day ; and, after engaging in the fiercest strifes of the politician, and reaping all his ephemeral honors, he was at length to act an heroic part in the opening drama of the revolution.

His first appearance in the public service of the colony was in 1756, when he was elected to the General Assembly, as a deputy or representative from the town of Westerly ; a post which he continued to occupy with but a slight interruption till May, 1759. In that early time the legislature of Rhode Island, though not inferior to other similar bodies either in the dignity of its forms or in the variety of the powers which it exercised, yet presented but a limited theatre for public debate. Its members were always

few in number, and, being elected twice every year, they brought with them to its councils the fullest sense of the popular wishes respecting nearly every public measure. Hence their sessions were short, and their acts were usually passed with but little debate. In the proceedings of the Assembly Mr. Ward appears immediately to have taken an active part; and, though probably one of the youngest of its members, he early won for himself a wide and commanding influence. The frequent recurrence of his name upon the pages of its records indicates how intimately he was connected with the most important public measures which occupied its attention.

The irregular contest between England and France, which had been waged for more than two years in their respective colonies, had now broken out into an open war, which was declared on the part of England in May of the same year; and the several colonies were preparing to engage in it with their utmost zeal. A considerable number of French residents in Rhode Island, who had been seized by the colonial officers and thrown into the jails as prisoners of war, sent a petition to the legislature, praying for their liberation and the privilege of removing to some neutral port, and claiming an exemption, in the mean time, from the laws of war. Their

situation excited no small interest among the people of the colony, and involved a principle which was likely to prove important in the subsequent progress of the contest. The whole subject, when presented to the legislature, was referred to a committee of which Mr. Ward was a member, who reported a bill authorizing the government to transport the Frenchmen in question to some neutral port, but refusing them any exemption from the ordinary fortunes of war, and requiring them still to be kept in jail ; a measure which was doubtless thought to be necessary on account of the facilities they would possess, if set at liberty, of giving information to the King's enemies.

Mr. Ward was also a member of the committee for levying the annual tax, and proportioning it to the several towns of the colony, a work which was at that time considered among the most difficult and embarrassing of the duties of the legislature. So diverse were the interests and the resources of the several towns, that scarcely a year passed away without occasioning a protest from some of them against the rates which had been assessed ; the agricultural community now insisting that the commercial interests should bear a larger share of the public burden, and the southern towns now complaining that the growing capital of the north was

regarded by the Assembly with too indulgent an eye.

Another of the services which he rendered to the colony in his capacity of legislator, was in the investigations he made as a member of the committee on the violations of the laws of trade. The instructions which had been received from the King were urgent and peremptory, that the Assembly should "pass effectual laws for prohibiting all trade and commerce with the French, and for preventing the exportation of provisions of all kinds to any of their islands or colonies." The existing colonial statutes for enforcing the navigation acts of the British Parliament were but slightly regarded; and an extensive contraband trade was carried on by merchants in all the colonies, in defiance of the authority of Parliament, and in most instances without the interference of their own legislatures. When the state of the trade was spread before them, the General Assembly, in accordance with the report of their committee, adopted such regulations as were necessary in order to comply with the instructions of the King, and in every way in their power prepared the colony to engage in the war as it became true and loyal subjects.

It was also during the year 1756, that the legislature of Rhode Island passed its first gen-

eral act for the relief of insolvent debtors. It provided, that persons who should give up their property for the benefit of their creditors, and make oath to the fidelity of the surrender, should be discharged from all claims preferred against them. The law was undoubtedly called forth by a few instances of failure, which, in the distresses of the times, had occurred among the merchants of the colony, one of the first and the most conspicuous of which was that of Mr. Joseph Whipple, a merchant of Newport, who at the time of his failure held the post of Deputy-Governor. The law which was then passed has served as the basis of all the subsequent legislation upon the subject of insolvency in Rhode Island, and does not differ very materially from that which is now in force in that state, and indeed in most of the other states of the Union.

The war with France was now becoming an engrossing subject of attention with all the northern colonies of America. It had thus far been prolific of nothing but disaster and disgrace to the English arms. The colonists had engaged in it with their utmost zeal; but, such was the delay of the ministry, and such the incapacity of the generals who had been sent to conduct it, that every year had witnessed the gradual decline of the English power

in America. The French, on the contrary, were every year gaining ground, and were gradually encircling the British possessions by the lengthening chain of their military posts, and, with the aid of their Indian allies, were spreading terror and dismay through the settlements.

Immediately on the formal declaration of war, in 1756, the Earl of Loudoun was sent to America with a large force, which, together with such as should be furnished by the colonies, he was directed to employ against the French. His arrival in America was greeted by the several colonies, and Mr. Ward was appointed one of a committee to prepare an address of welcome on the part of Rhode Island. One of his first acts, on assuming the command of the forces, was to levy four thousand troops from New England; and of these the proportion to be raised in Rhode Island was four hundred and fifty. The troops were raised, and were on their march for the rendezvous at Albany; but the season was too far advanced to admit of any effective operations, and they were dismissed at the beginning of November without having been employed in actual service, but were ordered to be in readiness when summoned again to the field in the ensuing spring.

It was early evident, that the reverses which the English had experienced thus far in the war were not likely to be soon retrieved by the generalship of Lord Loudoun. He appointed a convention of the Governors and Commissioners of the several colonies to be held at Boston, in January, 1757; which seems to have terminated only in still greater distrust of the military capacity of the General-in-chief. The colonies, though commonly yielding a ready compliance with the requisitions which were made upon them, yet found serious cause of complaint in the unequal levies that were successively imposed; and the troops themselves were unwilling to be mingled with the British regulars, but demanded to be placed under the command of their own officers. Questions like these served only to embarrass the plans which the commander had set on foot, while, by the distrust and apprehension which they awakened, they added a deeper shade to the general gloom which hung over the colonies.

Rhode Island had a deep interest in the speedy termination of the war, as well as in all these questions relating to the terms of its continuance. She had already lost from ninety to one hundred vessels that had been captured by the enemy, a loss; which, according

to a statement of her Secretary of State, made in 1758, was three times as great as that of New York, and four times as great as that of Massachusetts. She had added immensely to her public debt ; and, in addition to fifteen hundred men, who were engaged as privateers in the war, she was obliged to maintain an armed vessel for the protection of her coast, and had also furnished to the campaign of 1757 not less than a thousand men for the service of the King. This was done at a period of gloom and dismay, when the whole number of her citizens between the ages of sixteen and sixty, then the legal limits of military service, scarcely exceeded eight thousand. It was an effort scarcely equalled by that of any other colony, for she had nearly a third of her whole effective force in actual service beyond the limits of her own territory.

In the winter of 1758, the Earl of Loudoun, finding himself still surrounded with difficulties and embarrassed by the jarring interests of the colonies, summoned another convention to meet at Hartford, in the month of February. At this meeting, Governor Greene, at that time the chief magistrate of the colony, and also Mr. Ward, and Mr. John Andrews, were appointed to represent Rhode Island. The commissioners received full and explicit instructions

from the legislature as to the course which they were expected to pursue. In these instructions they were directed, on arriving at Hartford,

“1. To lay an exact state of the colony before his lordship with regard to its fortifications, cannon, warlike and military stores, the number of inhabitants, state of the treasury, and funds for supplying the same.

“2. To beg his lordship to lay the defenceless condition of the colony before his Majesty in the most favorable light.

“3. To request his lordship to make the colony such an allowance for the provisions and military stores furnished by this colony for the two last years, as will correspond with his Majesty's gracious intentions signified unto us by his Secretary of State.”

The commissioners were also directed to “request his lordship that the forces raised by this colony may be under the immediate command of their own officers, and no others, except the Commander-in-chief.”

To these directions, which were probably open to all the commissioners who composed the convention, the General Assembly ordered the following to be added, which was to be regarded as a private instruction for the guidance of their representatives in adjusting the quota

of troops, the most difficult and delicate part of their task. "And as to what aid or number of men you are empowered by virtue of your commission to furnish his lordship with, on the part of this colony, towards the ensuing campaign, you may agree to raise one fourteenth part of the number that shall be raised by the New England colonies; but, if that proportion cannot be obtained, you are then to agree to such other proportion as shall appear to you just and equitable."

These instructions aid us in comprehending the circumstances of the times, and illustrate the nature of the questions which were at issue, while they also serve to indicate the spirit of loyalty and of sacrifice for the general good, which pervaded the people of Rhode Island.

Governor Greene was prevented by sickness from attending the convention, and the performance of the duty assigned to the remaining commissioners fell almost entirely upon Mr. Ward, who, on his return from Hartford, submitted to the legislature a full report of the doings of the convention. From this report, which is entered at length in the records of the Assembly, it appears that the Rhode Island commissioners proposed that the several colonies should furnish troops for the next campaign in

exact proportion to their respective population ; an arrangement by which Massachusetts would have raised two thousand four hundred and thirty-two soldiers, Connecticut one thousand five hundred and eighty-two, and New Hampshire and Rhode Island each would have raised four hundred and twenty-five. This number on the part of Rhode Island was objected to by Lord Loudoun as smaller than that which had been agreed upon by the convention at Albany, as the quota of the colony ; and the commissioners were obliged to waive their proposal, and yield to the levy which his lordship demanded. They were, however, assured by the Commander-in-chief that no further difficulties should arise respecting the command of the troops, for he would take those from Rhode Island under his own especial command. The report of the commissioners was fully approved by the Assembly ; the men, whose levy they had guarantied, were immediately ordered to be raised for the campaign of the following summer. This campaign, however, furnished far better illustrations of the valor and endurance of the colonial troops, than of the skill and conduct of their commander.

CHAPTER III.

State of Parties in Rhode Island. — Paper Money. — Its Connection with the Politics of the Colony. — Mr. Ward's Controversy with Stephen Hopkins. — He is appointed Chief Justice of the Colony. — Elected Governor. — The ancient Manner of Election in Rhode Island. — Character of his Administration. — Founding of Rhode Island College. — He is succeeded by Mr. Hopkins.

THE period at which Mr. Ward entered upon public life in his native colony was one distinguished for the violence of the local jealousies and party animosities which so frequently appear in the history especially of small communities. The people of the southern counties of Rhode Island, from the first institution of the government, had been more or less at variance with those of the northern.

The town of Newport was at that time the only port of entry in the colony, and in point of commercial importance was one of the foremost towns along the entire Atlantic coast. It was the centre of the principal wealth, and the residence, probably, of most of the leading men, of the colony; and, though the legislature

was accustomed to hold its sessions in each of the several counties, yet Newport had long been the place where the offices of state were established, and was more than any other town the seat of the colonial government. Providence, standing at the head of the navigation of Narragansett Bay, was the older town, and was rising rapidly in wealth and importance, and already beginning to dispute the supremacy of the ancient capital. Amidst these relations subsisting between the two leading towns, a mutual jealousy had gradually sprung up, which had doubtless been fostered by the aspirants for office, and strengthened by the various local interests that had been incidentally involved in the issue, until it now divided the opinions and controlled the politics of the entire colony.

Among the incidental questions upon which this jealousy had fastened, the two most important were, the policy of the government in relation to supplies for the French war, to which allusion has already been made, and the famous question of paper money, which, in all the colonies of America, was a subject of endless perplexity and embarrassment, and in Rhode Island appears to have yielded its fullest harvest of social and political evils. The whole subject of the emission of paper money in the colonies, to the statesman and the political

economist, would be one of the most curious and instructive connected with their history. For fifty years, this deceptive currency spread its disastrous influence over the trade and the morals of the country, and was not wholly abandoned till the benefits of political independence had changed the relations of trade between America and all other parts of the world.

The earliest emission of bills of credit, to take the place of gold and silver in Rhode Island, was made in 1710. The colony had been at great expense in furnishing supplies for the war with France, in which the mother country had been involved ever since the accession of William and Mary to the throne. Finding the resources of the treasury inadequate to the exigency, the General Assembly, following the example already set by Massachusetts twenty years before, adopted the fatal though perhaps inevitable expedient of issuing bills of credit, and thus delaying the actual payment of the debts which had been incurred. The first emission did not exceed the sum of five thousand pounds; but this mode of postponing to the future the necessities of the present, having been once invented, was found to be too convenient to be readily abandoned. Other emissions followed in rapid succession,

until, in 1749, after the lapse of nearly forty years, the bills which had been issued amounted to not less than three hundred and twelve thousand three hundred pounds, of which one hundred and thirty-five thousand pounds were still standing against the treasury, in one form or another; and these constituted the depreciated and almost valueless currency of the colony.

Every occasion of public expenditure furnished an excuse for the issue of a new *Bank*; and though merchants were everywhere suffering from the policy, and frequently petitioned against it, and most intelligent persons were satisfied of its ruinous tendency, yet so captivating to the people is always the idea of plentiful money, and so clamorous were now the multitude of those who were largely in debt, that numbers of the Assembly constantly yielded to the popular will, and in some instances, it is said, actually legislated to meet their own private necessities. The currency which was thus created tended in no equivocal manner to impair the commercial contracts, and to prostrate the commercial honor, of the whole community; while it perpetually offered to the reckless and the profligate an opportunity, too tempting to be resisted, to counterfeit the bills of the colony; a crime of frequent occurrence

though punished in Rhode Island with cropping the ears and branding the forehead of the offender, together with the confiscation of his entire estate.*

Such is a brief outline of the subject upon which the two political parties in Rhode Island were accustomed most frequently to divide during the period of which we are now writing. The mercantile, and what was then regarded as the more aristocratic portion of the community, were usually opposed to the emissions of paper money, while those whose fortunes and avocations placed them in humbler life were arrayed in their favor. At the head of this latter party, which was also supported by some of the leading citizens of Providence, stood Stephen Hopkins, a gentleman whose name is conspicuous in the annals of the colony, and who, both as a determined opponent in the fiercest contests of local politics, and an unwavering coadjutor in the far nobler struggle of the revolution, was for many years intimately connected with the public life of Samuel Ward. Supported principally by the northern towns of the colony, Mr. Hopkins, in 1755, had succeeded Gov-

* For a full view of this curious subject, see a pamphlet by Elisha R. Potter, entitled "A Brief Account of Emissions of Paper Money made by the Colony of Rhode Island."

ernor William Greene, as the head of the government, in opposition to the wishes and efforts of a powerful minority who were attached to the interests of the south. The success of the Hopkins party raised to a high pitch of excitement the animosity between the two districts of the colony, and, during the years in which Mr. Ward was a member of the Assembly, this animosity was frequently manifested in the action of that body.

In the political contest previous to the election of 1757, when Governor Greene was still the candidate of the mercantile and southern party, in opposition to Governor Hopkins, to whom strong objections had been raised, the latter gentleman published an address to the freemen of the colony, in which he insinuated that the legislature, in its recent sessions, had pursued a policy hostile to the success of his administration. Mr. Ward was at that time a member of the Assembly, and took occasion immediately to come forward in its vindication. In defending it from the charges of Governor Hopkins, he reviewed the Governor's administration, and stated at large the official acts which had given offence to the people, dwelling particularly upon the conduct of the executive in relation to a cargo of sugars, which had been forfeited to the colony, and also in relation to the liberation of some French

prisoners of war, which had been made contrary to the acts of the legislature.

For some cause or other, which, to one at all conversant with party warfare in our own times, it is by no means easy to assign, this vindication gave great offence to Governor Hopkins, and, though at the time occupying the chair of the chief magistrate, he immediately commenced an action for slander against Mr. Ward. The action was entered in the Court of Common Pleas for the county of Providence, the county where the Governor had always resided, and which was warmly enlisted in the interest of the political party of which he was the acknowledged chief. In order to escape the prejudicial influence of party feeling, and to secure a fair trial, Mr. Ward petitioned the legislature to remove the cause to one of the other counties. On this petition being granted, Mr. Hopkins, who was now out of office, and was doubtless suffering from the mortification of recent defeat, immediately discontinued the suit, for the purpose of evading the legislative decree, and, on the rising of the Assembly, commenced another, still in the county of Providence. At length, however, after many delays and evasions on the part of Mr. Hopkins, which could have been suggested only by feelings of political rivalry or the exasperation of disappointment, it

was agreed by the two parties, that Mr. Ward should submit to an arrest within the territory of Massachusetts, and that the trial should be had before the court at Worcester, beyond the limits of the colony whose citizens were so generally embroiled in the question between their rival politicians.

The case appears to have excited no small interest, not only in Rhode Island, but also within the neighboring jurisdiction to which it was referred; and the distinguished name of James Otis is recorded as one of the counsel for the complainant. It would seem, however, that, after the virulence of party feeling had somewhat abated by the lapse of time, Mr. Hopkins attached less importance to a judicial remedy, and, it may be, felt less confidence in the justice of his cause; for, when the trial came on at Worcester, in 1759, he did not appear at the court, and, after his counsel had made some slight attempt to have the case continued to another term, it went against him by default, and he was required to pay the costs of the prosecution.

Thus ended a case of political litigation, in which, as usually happens in such transactions, the gratification of party feeling was the end proposed, far more than the vindication of injured justice. Mr. Ward does not appear to

have been guilty of any thing like slander, or even of reprehensible severity, in his remarks upon the administration of Mr. Hopkins, which were strictly confined to his official acts. Indeed, were such a writing to be produced in our own day, and aimed at a public officer on the eve of an election, it would rather be considered as remarkable for its courtesy and forbearance, and the candidate would be pronounced little less than mad, who, for no greater cause, should follow the example of Mr. Hopkins, and bring an action for slander against its author. But the adjudication of the suit pending between the rival chiefs of the Rhode Island parties by no means allayed the political strife with which the colony had already begun to be divided. Both Ward and Hopkins were now candidates for the office of Governor, and they continued to stand in opposition to each other, at the head of powerful parties, for nearly ten years, in which each experienced alternate success and defeat.

In the year 1761, Mr. Ward, having failed to secure an election to the chief magistracy, was appointed by the General Assembly to the office of Chief Justice of the colony, which, according to the charter, was an office of annual appointment. He discharged its duties with fidelity during the year for which he was ap-

pointed ; but his position at the head of a party whose success was identified with his promotion did not allow him to remain in the quiet sphere of judicial life. He was the following year again summoned to the strife for executive office, and at the election in May, 1762, he was found to be the successful candidate, and was installed in the office of Governor. The struggle of the two parties is said to have been violent in the extreme, and the towns of the colony were nearly equally divided ; those of the south generally voting for Mr. Ward, and those of the north, with few exceptions, being strongly in favor of Mr. Hopkins.

It was the ancient custom of the freeholders of Rhode Island, as the voters were then termed, to meet at Newport, at the general election in May of every year, and deposit, in person, their votes for the Governor, Assistants, and other general officers. In later periods it had been allowed, to those who could not attend the general election, to send their votes by those who went, and thus to deposit them by proxy ; still, as the population of the several towns increased, an immense multitude would thus assemble from all parts of the colony, presenting a mass of human passions, which might be easily inflamed by the party excitements of the day, and which the sternest resolves of the govern-

ment were sometimes unable to hold in check. The scene which was here presented, in a sharply contested election, would have furnished many attractive features for the satiric pencil of Hogarth. There were gathered all who were hoping for office, and all who were fearing to lose it; the leaders of either party exerting themselves, each to secure his own triumph, and the friends of each, confident of success, and eager for the result, discussing their respective merits with the loudest vociferations, and sometimes enforcing their opinions with fists and canes; and at length, when the vote was declared, and the proclamation made in the public square, according to the ancient custom, before all the people, the triumph of the successful party would go beyond all bounds of decency and order, and the day would sometimes end in disgraceful riot and confusion.

To prevent the recurrence of scenes like these, and also to save the time and expense that were wasted by this perilous gathering of the people, an important alteration was made in the election law in 1760. An act was passed by the legislature, providing that for the future the voting should be done by the citizens in their respective towns, and that none but members of the Assembly should be en-

titled to vote at Newport on the day of election. The passage of this law was most seasonable, and its results, in every way, were beneficial; the protracted controversy between the friends of Ward and of Hopkins had already begun, and, if the people had been still in the habit of assembling at Newport during its more exciting periods, the peace of the colony might have been seriously endangered in the party strifes that would have ensued.

The year during which Mr. Ward now held the office of Governor seems not to have been marked by any important public events. It deserves, however, to be mentioned, that during this period the project of founding an institution of learning in Rhode Island was first made a matter of serious interest and attention among the people. From the commencement of this important enterprise, Governor Ward took an active part in promoting its success. He belonged to that denomination of Christians by whom the idea was first proposed, and his own liberal tastes prompted him to give the full weight of his personal and official influence to the accomplishment of an undertaking fraught with so many blessings to the people of the colony.

He was present at the first meeting of gen-

tllemen which was held to consider the expediency of the project. His name stands among the first of those who petitioned the legislature for the charter, and, when "Rhode Island College" was incorporated in 1764, he became one of the original trustees. This to him was no merely honorary post, but one that required of him a portion of his time and attention, which he freely gave to the interests of the infant institution. In 1767, he entered his son as a student in one of its earliest classes, and to the close of his life he continued its fast friend, as well as a member of its board of trustees.

Governor Ward's present term of office was a period of great suffering and anxiety among the tradesmen of the colony, in consequence of the extreme depreciation of the currency. The general scarcity of gold and silver, and the uncertain value of the colonial bills, depressed trade, and reduced especially the poorer classes of the people well nigh to desperation. Murmurs and complaints arose from every quarter, and, notwithstanding the party then in power had always been known as the opponents of paper money, yet, in obedience to a natural propensity of the popular mind, strengthened perhaps, in this instance, by the intrigues

of politicians, the evils of the time were very generally charged upon the administration; and, by means of the exertions which were made, the next election resulted in the defeat of Governor Ward, and the success of Governor Hopkins, who again took the oath of office in May, 1763.

At the close of his official year, Mr. Ward, who while he was Governor had resided at Newport, retired to his estate in Westerly, and, resuming the quiet occupations of the farmer and the trader, gave his time to the care of his family, to reading, and the society of his friends; a sphere of life in which he cultivated those elevated principles and amiable dispositions, which not all the rude collisions of politics, nor the agitations of a troubled age, were ever able to pervert or to change.

CHAPTER IV.

The Ward and Hopkins Controversy. — Attempts to settle it. — Mr. Ward again elected Governor in 1765. — Proceedings in Rhode Island against the Stamp Act. — Affair of the Maidstone Sloop of War. — Riot at Newport. — Effects of these Proceedings. — The Acts of the General Assembly. — Governor Ward is succeeded by Governor Hopkins in 1767. — Termination of the Controversy. — Its Character and Effects.

THE intervals which elapsed between the annual elections of general officers in Rhode Island seem to have passed quietly away, with but a rare collision of partisans, and only an occasional awakening of party feeling. But, as the political year drew to a close, and the season of general election came on, the whole colony became a scene of agitation and excitement. Every act that was performed, and every word that was uttered, by either of the candidates, became a matter of public interest, and, in the scarcity of newspapers, was repeated by political gossips in every place of public resort, and was borne to the fireside of every voter in the colony. Neighbor was arrayed against

neighbor, and family against family, in an irreconcilable feud, which, unless it should be checked, threatened to ruin the peace of the community, and to be transmitted from father to son.

Impressed with the disastrous consequences of their wide separation from each other, the leading men of both parties seem, at different times, to have entertained plans of reconciliation, and of thus healing the wounds which had been made in the peace of the colony. The first distinct proposal, however, for this purpose, is believed to have come from Governor Ward, and is contained in the following letter, which he addressed to the General Assembly on the 28th of February, 1764, just as the arrangements for the annual election were about to be made.

“GENTLEMEN,

“The many ill consequences necessarily attending the division of the colony into parties are too manifest to require any enumeration, and call for the serious attention of every man who hath the welfare of his country at heart.

“Deeply affected with the melancholy prospect, and sincerely desirous to restore that peace and good order to the government, which

have been too much obstructed, and without which we can never be extricated out of our present distressed situation, I beg leave to lay before you some proposals, which, in my humble opinion, might greatly tend to the accomplishment of these beneficial purposes.

“1. As the Honorable Stephen Hopkins, Esq., and myself, have been placed by our respective friends at the head of the two contending parties, I think it necessary, and accordingly propose, that both of us resign our pretensions to the chief seat of government; for the passions and prejudices of the people have been so warmly engaged for a long time against one or the other of us, that, should either Mr. Hopkins or myself be in the question, I imagine the spirit of party, instead of subsiding, would rage with as great violence as ever. And so greatly anxious am I for putting an end to those bitter heats and animosities, which have thrown the government into such confusion, that I can sincerely declare, that, for the sake of peace, I shall cheerfully resign all my pretensions to the office of Governor, or any other office.

“2. As it is clear and evident, for many reasons, that Newport is the most proper place for the residence of the Governor, I would propose that the Governor, to be elected upon

this plan, should reside there, and the Deputy-Governor in Providence.

“3. That the Upper House be equally divided between the two parties. This, I believe, would naturally tend to take away all pretence for a party.

“When I made proposals of this nature to Mr. Hopkins about two years ago, the principal objection that he made to them was, that a number of his friends had been deprived of offices, and no provision was made for restoring them. But as the case is since altered, and they are now restored, I hope every obstacle to the proposed plan is removed.

“That this may be the case, and that we may all heartily unite for the public good, is the sincere wish of, Gentlemen,

“Your most obedient humble servant,

“SAMUEL WARD.”

On the same day, but apparently without any knowledge of the foregoing letter, the following proposition was made to Mr. Ward on the part of Governor Hopkins, viz.

“The death of the Honorable John Gardner, Esq., having left the place of Deputy-Governor vacant, Governor Hopkins, and those in the administration with him, invite and solicit the Honorable Samuel Ward, Esq., to ac-

cept of that office ; hoping, as well as earnestly desiring, that such a measure carried into execution may put an end to the unhappy and destructive party disputes, which have too long been extremely injurious to the colony and its divided inhabitants.

“STEPHEN HOPKINS, *Governor.*”

Such were the proposals which were simultaneously made by each of the gentlemen who seemed to hold the peace of the colony in their hands. The terms in which they are both expressed, and the common spirit of apprehension which pervades them both, serve to indicate the fearful extent to which the party strife of the day had been carried. These proposals were respectively declined by each of the parties ; Mr. Ward, it would appear from the correspondence, not thinking his acceptance of the post of Deputy-Governor likely to secure the peace of the community, and Mr. Hopkins regarding his surrender of the office of Governor as “having no tendency to put an end to parties, but as evidently calculated to perpetuate them.” As we review the correspondence which passed between them, and recur to the ordinary principles of human nature, it is not too much to suspect that an unwillingness to be second to a rival chief may have strength-

ened the conclusion of the one, and a reluctance to surrender the fascinating gift of political power may have stimulated the patriotism of the other. The attempts of both parties, however, proved abortive, and the contest went on with as much virulence of feeling as ever.

In May, 1765, Mr. Ward was again elected Governor of the colony, and went from Westerly to reside at Newport, where, in consequence of a reëlection in the following year, he continued to reside till May, 1767. The two years during which he now held the chief magistracy were full of excitement, and were marked by events of high importance. A new spirit was rising in the minds of the colonists, and the petty distinctions of local party were for the time lost sight of in the deep indignation called forth by what were deemed the aggressions of the mother country on the rights of the colonies. In the preceding year the British ministry had already given intimations of their intention to tax America; and, soon after the election of Mr. Ward, the intelligence was received in Rhode Island, that the Stamp Act had passed both Houses of Parliament, and had received the royal approbation.

At one of the sessions of the previous year, the Colonial Assembly had given utterance to the feelings of their constituents, in the petition

which they had adopted and sent to the King ; and, though a considerable number of the wealthier inhabitants of Newport, and of some others of the southern towns, were still unwilling to oppose an act of Parliament, yet, no sooner was it known that the Stamp Act had become a law, than the minds of both the government and the people were made up to disregard its provisions. The act was not to go into operation till the following November, and the events of the interval only served to strengthen the determination to resist and to increase the irritability of the popular mind. Commissions were sent over, appointing the necessary officers to superintend the execution of the law, and the cruisers of the King, which seemed to multiply in all the ports of the colonies, became subjects of popular jealousy and hatred, on account of the closeness of their scrutiny, and the arrogance of their demands upon the inhabitants.

During the summer of 1765, while the *Maidstone* sloop of war was lying in the harbor of Newport, the captain, whose name was Charles Antrobus, impressed some sailors belonging to the town, and detained them on board his vessel. On a complaint being made, Governor Ward immediately wrote a request for their release, which not being complied with, a band

of people at one of the wharves seized a boat belonging to the *Maidstone*, and burnt it in a public square. This act of violence gave rise to a series of retaliations on the part of the commander of the sloop, which for a time suspended all intercourse, and came near producing open hostilities between the people of the *Maidstone* and the inhabitants of the town. The Governor, in his correspondence with Captain Antrobus, contended, that "the impressing of Englishmen was an arbitrary action, contrary to law, inconsistent with liberty, and to be justified only by urgent necessity." "But, as the ship lay moored in an English colony, always ready to render any assistance necessary for his Majesty's service, there could be no possible reason sufficient to justify the severe and rigorous impress carried on in this port." He also firmly maintained the principle, that the commander and crew of a ship lying within the jurisdiction of the colony were subject to its laws.

The men, who had been impressed, were afterwards given up, but not till they had been detained for several weeks, during which there were frequent collisions between the people belonging to the vessel and the inhabitants of the town. Incidents like this served only to array the feelings of the colonists still more

decidedly against the officers of the crown, and doubtless prepared the way for the excesses which were soon afterwards committed against the vindicators of the Stamp Act, and the officers who had been appointed to superintend its execution.

Mr. Augustus Johnson, a lawyer of respectable standing in Newport, had accepted the office of stamp master, in contempt alike of the arguments and the threatenings which were employed to dissuade him, and was preparing to perform its duties, when the day should arrive for the enforcement of the act. On the 27th of August, in open day, a few weeks after the affair of the *Maidstone*, a riotous collection of persons appeared in the streets of Newport, with a cart containing the effigies of Augustus Johnson, Martin Howard, and Dr. Thomas Moffat, the stamp master and two gentlemen who had written in defence of the act, each with a halter upon its neck. The images were drawn through the streets to a gallows which had been erected near the town house, and were there hung up till evening, to the gaze and derision of the multitude. On the following day the mob again assembled, and proceeded first to the house of Moffat, and afterwards to that of Howard, both of which they stripped of their furniture and nearly de-

stroyed, the gentlemen themselves having escaped to a ship of war lying in the harbor. The house of Johnson was also assailed; but, by the persuasions of some of the principal men of the town, it was spared, on his giving a reluctant promise that he would not perform the duties of stamp master.*

Some efforts were made by the government of the colony to apprehend the persons who were engaged in these outrages, and the matter was soon after brought to the notice of the Assembly, by whom the Governor was requested to issue a proclamation commanding all officers to arrest the rioters wherever they might be found. But a similar scene had just before been enacted in Boston; and, in the excited state of the public mind which then prevailed, though most well disposed people disapproved, and perhaps regretted the proceeding, yet none could be found who were willing to come forward and bear testimony against its authors.

The report of these outbreaks, which went home to England, produced upon the administration an impression most unfavorable to the

* See *Life of Augustus Johnson*, in Updike's *Memoirs of the Rhode Island Bar*, p. 67. Mr. Updike represents the riot as having occurred in 1766, after the repeal of the Stamp Act; but the recorded proceedings of the legislature, and a notice in the *Providence Gazette*, fix it in 1765.

reputation of the colony ; and, in a letter which Governor Ward soon afterwards received from the agent in London, it was stated that the Lords of the Treasury had determined to withhold the money which was still due to the colony for the supplies she had furnished in the war, until full indemnification should be made to those who had suffered from the proceedings of the rioters. This information gave rise to a long correspondence between the government of the colony and the Secretary of State in England, in which the claim of Rhode Island to compensation was urged on independent grounds ; but the condition was still insisted on, and the money was withheld by the ministry.* Several attempts were subsequently made to get a bill through the Assembly to indemnify the stamp master and his associates, who had suffered at Newport, but in every instance without success ; and, as no restitution appears ever to have been made, it is presumed that the services of the colony remained unrequited, until the revolution put an end to all urging of the claim.†

* Two letters relating to this subject, addressed by Governor Ward, one to Mr. Secretary Conway, and the other to the Earl of Shelburne, are contained in Almon's *Prior Documents*, pp. 102 and 118.

† A bill passed the House of Assistants, in 1768, making full indemnification for the losses of property sustained

While these events were in progress, the Stamp Act was becoming a still more engrossing subject of popular attention; and, as the time for its enforcement approached, the feelings of the community were raised to the highest pitch of excitement. The association of the *Sons of Liberty*, who pledged themselves to abstain from the use of every article bearing the odious stamp, extended throughout the colony. Many of the towns held meetings, and instructed their deputies to urge the strongest measures in opposition to the act; and the Assembly, at its session in September, adopted the five celebrated resolutions which had been drawn up by Patrick Henry, four of which had just before been passed by the House of Burgesses of Virginia. The fourth resolution received an important modification by the omission of the words "his Majesty or his substitutes," and, as adopted by the Assembly,

by these men; but the claims which they presented were deemed exorbitant by the Lower House, and were also without satisfactory certificates; they were accordingly dismissed. In 1772, the claims were again before the Assembly, and reëxamined by a committee appointed for the purpose. After undergoing considerable reduction by the committee, they were at length allowed by both Houses, and were ordered to be paid when the Lords of the Treasury should pay the debt due to the colony for its services in the war. This was never paid

declared that their own body possessed "the only exclusive right to lay taxes and imposts upon the inhabitants of the colony." To these resolutions they also added another, breathing the spirit of a still bolder opposition to the aggressions of the ministry, in which they directed all the officers appointed by the authority of the colony "to proceed in the execution of their respective offices in the same manner as usual, and that this Assembly will indemnify and save harmless all the said officers on account of their conduct, agreeable to this resolution." These resolutions, taken as a whole, are nearly equivalent to a declaration of independence, though no formal act of the kind had then been proposed. They appear to have been, at the time of their adoption, decidedly in advance of those of any other colony, in the tone of resolute independence which pervades them, and were undoubtedly a true expression of the general feeling which reigned among the people.

At the same session the Assembly also appointed delegates to the Colonial Congress, which was soon to meet at New York, for the purpose of representing to his Majesty the views entertained by the people of America respecting the Stamp Act. The gentlemen selected for this delegation were Henry Ward, a

younger brother of the Governor, and Metcalf Bowles, both of them citizens of eminent standing, and holding high offices in the colony. The instructions which the Assembly voted to the delegates breathed the same determined spirit as the resolutions to which we have already referred, and evinced, in the most unequivocal manner, that they regarded the concerns committed to the Congress as "of the last consequence to themselves, to their constituents, and to posterity."

In the spring of the year 1767, the hostility subsisting between the political parties of the colony reappeared in all its violence. Mr. Hopkins was again the opposing candidate for the office of Governor, at the head of a ticket of general officers, who, with reference to the distracted condition of the community, were styled by their friends *Seekers of Peace*. The contest which ensued was attended with unusual excitement in every part of the colony; the towns north of Bristol and Warwick all giving large majorities for Hopkins, while the southern towns gave their votes, with scarcely less unanimity, for Ward. The campaign resulted in the election of Mr. Hopkins by a larger majority than he had ever before received.

This election was the last in which these

gentlemen appeared as candidates in opposition to each other. At the meeting of the Assembly in the following March, the season at which the arrangements for the annual election were usually made, Governor Hopkins, who had been elected as a *peace-maker*, in behalf of himself and the friends who supported him, put forth substantially the same proposals for the pacification of the colony, which Mr. Ward had made four years before, and which he had then rejected. These were, that both the rival candidates should relinquish all pretensions to the chief place in the government, and that the two parties should unite in forming an administration, in which one should nominate a Governor, and the other a Deputy-Governor, each from the ranks of its own opponents. The terms were readily accepted by Governor Ward and his friends; and the two chiefs, who had so long been arrayed in opposition to each other, met first at Providence, and afterwards at Newport, and settled the preliminaries of what proved to be a lasting and happy coalition.

Thus ended what perhaps deserves to be regarded as the most remarkable contest of parties which has occurred in the history of Rhode Island. The inquirer at this distant day, who explores its half-forgotten records,

finds but little to explain the length to which it was protracted, or the acrimony with which it was carried on. Though it was occasionally involved with questions of public policy, yet, in the main, it seems not to have depended on any important principle of government, or any leading interest of society. It was a warfare between men and classes, and not between measures and interests. The gentlemen, who for nearly ten years stood at the head of the respective parties, were both persons of liberal minds, and, it would seem, were quite above the petty ambition, which seeks office merely for the sake of its trifling rewards; and the strife in which they were so long and so warmly engaged can only be accounted for by referring it to the natural antagonism, which, in certain states of society, always exists between persons of different classes, and different occupations and habits of life. The portion of the community who supported Governor Ward regarded themselves as the most suitable guardians of the public weal, on account of their hereditary wealth, their intelligence, and their elevated position in society; while those who favored Governor Hopkins were perhaps at first thrown into the opposition by their jealousy of a class who claimed to be their superiors in

social importance, and who had long been accustomed to wield the political power of the colony.

The continuance of the controversy had been productive of unnumbered evils, and, on account of the expense and the excitement it occasioned, had doubtless become wearisome to the leading members of both parties. Besides, other questions had arisen, embracing wider interests than those of a single colony, and new parties were already forming on principles which involved the dearest rights of Englishmen. Before these higher questions, the petty strifes of local politics necessarily lost their importance, and the spirit which had hitherto animated them became speedily merged in patriotic solicitude for the liberties of the country.

CHAPTER V.

Political Opinions of Governor Ward. — Annoyances arising from the Revenue Acts. — Destruction of the Sloop Liberty at Newport. — Of the Schooner Gaspee. — The Effects of these Proceedings. — Conduct of the Revenue Officers. — The Spirit of the Colony. — Governor Ward at Westerly. — His Letter to the Committee of Correspondence.

PREVIOUSLY to the period at which Governor Ward closed his official connection with the government of the colony, we have seen that he was more than once called, in the discharge of his duty, to take a firm stand against the encroachments which the ministry had already commenced upon the rights of the colonists. To the position which he thus assumed, we have every reason to believe, he was directed not less by his personal convictions than by the dictates of official duty. From the beginning of the contest with the mother country, he seems to have given his whole influence to the colonial side of the questions at issue; and, as he was at the head of the party then in power, he was doubtless largely instrumental in promoting the unanimity of feeling, which char-

acterized the opposition to the Stamp Act in the colony. After the repeal of this act, however, and the passage of the revenue laws of 1767 and 1769, the issue which was presented was thought to be different from that of former years, and many of the wealthy merchants of Newport, and of other towns of Rhode Island, who had acted with Governor Ward in all the contests of local politics, were now willing to engage but feebly, if at all, in measures of resistance to the authority of Parliament.

To him, however, the questions which were presented were still the same, and his views of their importance to the colonies, or of the measures which it was necessary to adopt in opposing them, were not changed by the opinions of his former friends and supporters. He was now in private life ; but he still watched with anxious interest the course of public events, and, through the medium of his correspondence, and of occasional intercourse with the leading patriots of New England, he contributed the influence of his own earnest views towards forming the public sentiment that ruled the events of the time.

After the renewal of the attempt to tax the colonies by the Townshend administration, the coast of New England was carefully watched by cruisers employed by the commissioners of

customs, to repress the illegal traffic which was extensively carried on, and to aid the custom-house officers in enforcing the laws for collecting the revenue. For these vessels, the harbor of Newport was one of the principal rendezvous, and, being an important port of entry, it was constantly frequented by them. The harsh impressments, and the arrogant demands for supplies which were often made by their commanders, gave rise to frequent collisions between them and the inhabitants of the colony, and tended gradually to detach from the mother country the affections even of those who had hitherto taken no part in the resistance which had been made to the acts of Parliament. These insolent displays of authority, and the annoyances which were suffered in consequence in many parts of the colony, seem to have rendered the minds of the people peculiarly irritable, and, like the presence of troops among the inhabitants of Boston, to have kept alive a hostile feeling, which any slight occasion was sufficient to fan into a flame.

Such an occasion was presented in the summer of the year 1769. The armed sloop *Liberty*, commanded by Captain Reid, brought into the harbor of Newport two vessels, one a sloop, and the other a brig, which she had taken in Long Island Sound, on suspicion of their being

engaged in the contraband traffic. The sloop appears to have been open to suspicion, but the brig had regularly cleared at the custom-house of the port from which she sailed. Both of them, however, were forcibly detained beneath the guns of the cruiser, and occupied by a guard whom Captain Reid had placed on board. The seizure was thought to be illegal by the people of the town, and their sympathies were warmly enlisted in behalf of the captured vessels. The commander of the brig, on finding himself thus stripped of his command, and even refused access to his personal wardrobe, was forced into an altercation and scuffle with the man who had been set over him, and afterwards, while passing to the shore in his boat, was fired upon by the crew of the *Liberty*. This was provocation enough to call forth all the indignant feeling which had long existed in the popular mind towards the cruisers of the King. The captain of the *Liberty*, being found on shore on the evening of the same day, was seized by the people, and compelled to send for his crew, in order that the person who had fired upon the captain of the brig might be identified. In the mean time, a party from the shore went off to the sloop, cut the cables which moored her, and, on her drifting to a neighboring point, dismantled her, and a

few days afterwards burnt her to the water's edge.*

This destruction of the sloop *Liberty*, in the harbor of Newport, has been justly claimed as among the earliest, in point of time, of the acts of open resistance to British power, which terminated in the final separation of the colonies from England. It was followed, three years later, by the destruction of the schooner *Gaspee*, upon the waters of the same bay, and within the jurisdiction of the same colony; and, though less important from the consequences it produced, yet, as an illustration of the spirit of the colony, it deserves a place in the history of the revolutionary struggle, on the same page which records that famous achievement. Immediately after the attack upon the *Liberty*, the Governor, with the advice of such of the assistants as he could assemble, issued a proclamation, directing the officers of the King "to use their utmost endeavors to inquire after and discover" the persons engaged in the riot, and the commissioners of customs published a notice offering a reward of a hundred pounds for any information which should lead to their detection. But no judicial investigation was ever held, and neither the proclamation made by the

* See Staples's *Gaspee Documents*; and, for a fuller account of the affair, Bull's *Memoir of the Colony, for 1769*.

Governor, nor the reward offered by the commissioners, in the state of feeling then prevalent in the colony, was sufficient to elicit any important evidence.

The destruction of the *Gaspee*, in addition to the numerous acts of resistance which had preceded it, created in the minds of the ministry the deepest dislike towards the colony, and a determination to humble its spirit by every means in their power. It is said they formed the purpose of quartering some regiments of soldiers in its two principal towns, and even advised the King to abrogate the charter, which had been granted by Charles the Second. For the purpose of investigating the circumstances attending the burning of the schooner, a court of commissioners was appointed under the authority of the great seal, with instructions to employ, if necessary, the troops of the King in executing their commission, and to deliver the persons, who should be found to have participated in the affair, to the commander of one of the ships of war, to be transported to England for trial. The extraordinary powers and arbitrary proceedings of this high court of inquiry were subjects of widespread apprehension, and attracted the attention of the House of Burgesses of Virginia, who appointed a committee to inquire into their bear-

ing upon the rights and liberties of the colonies. The investigations of this court, however, which were conducted with great assiduity for many weeks, were at length brought to a close, without leading to the detection of any of the offenders, notwithstanding the fact that they were well known to hundreds of the people of the colony.

The incidents, which we have thus related, illustrate the state of popular feeling in Rhode Island, in the early stages of the contest with Great Britain. That these acts of violence were illegal, and against the peace and good order of the colony, cannot be denied; and as such they seem to have been generally regarded at the time. But, when viewed in their connection with the revolutionary struggle, which was already commencing, they are not to be condemned as crimes against society. They were rather the natural consequences of the injurious laws of Parliament, and especially of the oppressive manner in which those laws were executed by the officers of the King, who were sent to the colony.

These officers were in the habit not only of searching every vessel that came within their reach, which sometimes occasioned a detention of several days, but they would often seize upon the market boats which plied upon

the bay, for the trifling purpose of examining the freights which they contained, and would subject their crews, who were usually farmers from the country, to every species of indignity and oppression. They seldom took the trouble to exhibit their commissions to any of the magistrates of the colony, but seemed to hold themselves above the laws, and to sport with the interests and rights of the inhabitants. As they were perpetually hovering upon the coast, and seldom remained long in port, legal redress for the injuries they occasioned was impossible; and it is not strange that they should have occasionally experienced the vengeance of an insulted people.

The sky was now growing dark with clouds that portended still more violent commotions. The impression which had been produced by the destruction of the *Gaspee*, and by the proceedings of the commissioners who were appointed to inquire into the affair, instead of humbling the spirit of the colony, as was intended, served only to prepare the minds of the people for still further acts of resistance. Reverence for the authority of Parliament was rapidly passing away, and the necessity of boldly withstanding the enforcement of the revenue acts was every day becoming more apparent. Agreements of non-importation and

non-consumption had been formed among the inhabitants of Newport and Providence, as early as 1769; and, though they seem not in all cases to have been very faithfully adhered to, yet they served to organize the opposition that was now very generally felt towards the proceedings of Parliament.

The tax on tea was still continued; and the unusual facilities for its importation into the colonies, which had been granted to the East India Company, created among the people, especially of the commercial towns, an apprehension that they might at length be obliged to submit to the tyranny that threatened them. In this apprehension Rhode Island largely shared; for she presented the most accessible port upon the coast, and numbered among her eminent merchants a few, at least, who might have consented to act as factors of the Company, for the sale of the tea.

During the whole period through which we have thus traced the early progress of the revolutionary contest in Rhode Island, Governor Ward had lived in comparative retirement upon his estate at Westerly. He was here surrounded by his numerous family, and by an extensive circle of friends. He had not been exempt from the melancholy changes incident to every human lot, but had buried several of his kin-

dred and his dearest friends; and, though he had lost none of his children, he had been stricken with a still heavier calamity in the loss of his wife, the amiable and worthy companion of many years, who died in December, 1770. In addition to the care of his family, and the management of his estate, his attention had been in part occupied by a vexatious suit at law with a troublesome neighbor, in which he had been compelled to engage, in vindication of his title to a tract of land lying in the Narragansett country. The suit was at length decided in his favor, after being protracted through several years, during which his opponent attempted to enlist against him the partisan feeling which still survived the controversy in which he had formerly been engaged.

But he was also a close observer of the course of public events; and, though dwelling apart from the excited feeling which now pervaded the larger towns, he was not the less informed of the progress of liberal sentiments, or the less able to estimate with calm judgment the magnitude of the issues to which they were leading. It was his habit frequently to attend the sessions of the General Assembly, and, though he held no official connection with the government, his position in the colony enabled him to exert a wide influence upon the

popular mind, and rendered his advice and sanction exceedingly important in the decision of every question of great public interest.

Thus far in the contest, the opposition, which had manifested itself to the measures of the ministry in the several colonies, had resulted from accidental causes, rather than from any concerted plan, which had been agreed upon for the purpose. The state of the question, however, had now become such, that some arrangement for circulating important intelligence, and for promoting unity of action, was absolutely essential. For this purpose, the House of Burgesses of Virginia, on the 12th of March, 1773, appointed a standing committee of correspondence and inquiry, whose duty it should be to obtain the earliest intelligence of all measures of the British government relating to America, and to maintain a correspondence with such committees as should be appointed for a similar purpose by the other colonies, to whom the adoption of the measure was earnestly recommended. The recommendation of Virginia was immediately adopted by the Assembly of Rhode Island at its session in the following May, and seven of the leading citizens of the colony were appointed a committee of correspondence, one of whom was Mr. Henry Ward, a younger brother of the Governor, at

that time holding the office of Secretary of State.

From this period the colony of Rhode Island was among the foremost in activity and zeal, both in devising and executing measures for the promotion of the common cause. Soon after these arrangements had been adopted for securing a greater unity of sentiment and of action among the colonies, the shipment of several cargoes of tea was made by the East India Company to some of the American ports, and serious apprehensions were entertained by many of the friends of liberty in Rhode Island, that boxes of the obnoxious article might be clandestinely entered at Newport. In order to provide against such an occurrence, and to secure a more perfect organization throughout the colony, Governor Ward, in December, 1773, a few days after the destruction of the tea at Boston, addressed a letter, signed by himself and several others of the inhabitants of Westerly, to some of the leading gentlemen of Newport, urging the establishment of a committee of correspondence in each of the towns of the colony, and suggesting that Newport, as the seat of the government and the emporium of trade, should take the lead in carrying forward the measure.

This letter, which breathes the spirit of a

cautious and wise man, who clearly saw the storm that was gathering over the colonies, was submitted to the people of Newport at a town meeting ; and the suggestions it contained were soon afterwards adopted, and carried into effect. He also addressed similar letters to leading men in other towns of the colony ; and early in February, 1774, having himself accepted the post of chairman of the committee of correspondence of the town of Westerly, he introduced a series of resolutions, at a meeting of the town, which, taken as a whole, form a complete embodiment of the principles maintained by the colonies, and of the grounds upon which they rest. For the purpose, as is probable, of instructing the citizens of the town respecting the cause in which they were embarked, the resolutions recited very fully the grievances which were complained of, and earnestly, yet calmly, urged resistance as the only remedy which was left, and as a high civic duty, which they owed not less to themselves, than to the whole British empire and to posterity.

CHAPTER VI.

Acts of the British Ministry on the Destruction of the Tea.—A Continental Congress first proposed by the Town of Providence.—Stephen Hopkins and Samuel Ward the first Delegates appointed.—Views of Governor Ward in accepting the Appointment.—Character of the “Old Congress.”—The Report of the Delegates of Rhode Island to the General Assembly.—They are reappointed.—Military Preparations.—His Services in the second Congress.—Letter to General Washington.—Visit to Rhode Island.—Its troubled Condition.—The General Assembly proposes a Continental Navy.—The Proposal adopted by Congress.

THE English ministry had already become thoroughly incensed at the spirit which the colonies, especially Massachusetts Bay, had constantly evinced towards all their measures for raising a revenue in America; and, on receiving intelligence of the destruction of the tea at Boston, they immediately determined to avenge the insult, which had been offered to their authority. Accordingly, within a month after the intelligence was received at London,

they carried through Parliament, by a large majority, the three celebrated bills, known as the Boston Port bill, the bill for the better regulating of the government of Massachusetts Bay, and the bill for removing persons accused of certain offences to another colony, or to England, for trial. These famous bills were regarded as special acts of ministerial vengeance, and the alarm which they everywhere occasioned formed one of the most powerful of the agencies which hastened forward the crisis of the revolution. Instead of the olive branch which many had hoped to see, the colonists now saw that only a naked sword was held out to them.

The sufferings of the people of Boston became a subject of universal sympathy, and a general Congress of delegates from all the colonies soon began to be talked of. The first distinct proposal of such a Congress, however, by any public body, it is believed, was made by the town of Providence, at a meeting held on the 17th of May, 1774. At this meeting, the deputies of the town were instructed "to use their influence at the approaching session of the General Assembly of this colony, for promoting a Congress, as soon as may be, of the representatives of the General Assemblies of the several colonies and provinces of North Amer-

ica, for promoting the firmest union, and adopting such measures as to them shall appear the most effectual to answer that important purpose, and to agree upon proper methods of executing the same." * The citizens of Providence, at the same meeting, also directed the committee of correspondence to assure the people of Boston of the sympathy they felt for the distressed condition of that town, and that they regarded their cause as the common cause of the whole country.

The session of the General Assembly was held at Newport on the second Monday in June; and, though none of the other colonies had at this time taken any formal action respecting the proposed Congress, yet the spirit of its members was already prepared to respond to the instructions of the deputies from Providence. The subject was taken up at the beginning of the session, and, after mature consideration, the Assembly, on the 15th of June, adopted a series of resolutions setting forth the condition of the colonies, and declaring that a convention of representatives from them all ought to be holden as soon as practicable. By the same resolutions, Stephen Hopkins and

* Staples's *Annals of Providence*, p. 235. This date is four days earlier than the action of any other public body on the subject.

Samuel Ward were appointed to represent the colony, and were specially directed "to endeavor to procure a regular annual convention of representatives from all the colonies." In this vote, which was adopted with great unanimity, all party feuds were buried for ever; and the political leaders, who, in former years, had so often been arrayed against each other, were henceforth to be united as friends and fellow-patriots in the council that planned the revolution. In this council their appointment bore the earliest date among those of all its members; and, until separated by death, it is believed, they shared each other's confidence and sympathy in all the arduous duties in which they were engaged.*

The views, with which Mr. Ward accepted the important trust that was now committed to him, were of the gravest and most serious character. He was no frantic patriot, who supposed that vaporing resolutions and exciting speeches were all that was needed for the crisis

* The delegates from Massachusetts were appointed on the 17th of June, which has generally, though erroneously, been considered as the date of the earliest appointment. So far as is now known, it was at a Rhode Island town meeting that the first public proposal of a Congress was made, and at a session of the Rhode Island Assembly, that the first delegates to that Congress were appointed.

which he saw was approaching. A large acquaintance with human nature made him distrust the hope, which many entertained, that the determinations of the ministry would be changed by any remonstrances or threatenings of the colonies; and the religious sentiments which he had early imbibed, and which were now woven into all his reflections, imparted a deeply moral aspect to all the questions which were likely to be presented to the body to which he had been appointed. But he had already decided on which side the right certainly lay, and he did not waver from the decision to which he had come. In a letter to his brother, written in the following year, but referring to this period, he says of himself,

“When I first entered this contest with Great Britain, I extended my views through the various scenes which my judgment, or imagination, (say which you please,) pointed out to me. I saw clearly, that the last act of this cruel tragedy would close in fields of blood. I have traced the progress of this unnatural war through burning towns, devastation of the country, and every subsequent evil. I have realized, with regard to myself, the bullet, the bayonet, and the halter; and, compared with the immense object I have in view, they are all less than nothing. No man living, perhaps,

is more fond of his children than I am, and I am not so old as to be tired of life; and yet, as far as I can now judge, the tenderest connections and the most important private concerns are very minute objects. Heaven save my country, I was going to say, is my first, my last, and almost my only prayer."

The delegates of the several colonies were at length all chosen, and the place was fixed upon at which the Congress should assemble. Mr. Ward left his home about the middle of August, attended by a faithful family servant, and arrived at the place of meeting on the 30th of the same month. The journey was made on horseback, and, on the day after his arrival, he acknowledged, with pious gratitude, in a letter addressed to his children, the kind Providence which had watched over him amidst the perils of the way. On the morning of the 5th of September, 1774, the "Old Congress," as it is now familiarly known in our history, commenced its sessions, in Carpenters Hall, in Philadelphia. The place but ill corresponded with the real magnitude of the occasion. No tapestry bedecked its walls, no images of sages and heroes of other days looked down upon the scene. Yet, to one who could read the future, it would have presented a simple grandeur, such as we may now

look for in vain within the majestic halls of the Capitol, and amidst the imposing forms of the constitution.

The forty-four individuals, who met on that day for the first time, were men of different characters and different opinions, for they had come from the extremes of the continent ; but they came together unfettered by partisan or sectional feeling. The simple Quakers of Pennsylvania, the high-spirited Cavaliers of Virginia and Carolina, and the resolute Puritans of Massachusetts and Connecticut, all were represented in that body of grave and earnest-minded men ; yet, amidst all differences of temperament, of creed, and of opinion, the pervading sentiment was catholic and patriotic. They had been roused from the repose of their homes by common grievances, and they only sought a common redress.

Their resolution of secrecy, the first which they adopted after their organization, was so sacredly kept, that a veil has rested upon their proceedings to this day, which even the publication of their Secret Journal has aided us but little in removing. But tradition has reported the eloquence of their debates, and the recorded results which they achieved fully show that their daily sessions were seasons of unremitted deliberation upon the questions before them.

Among the different classes of measures which were proposed to the Congress, Mr. Ward, if we may judge from the occasional allusions in his correspondence, was always an advocate of the moderate counsels which so eminently characterize its published documents. Cooler and more quiet in his temperament than some others of the New England delegates, while he regarded a separation from the mother country as sooner or later inevitable, he was still in favor of first trying every pacific measure, and of thus placing the cause in the best possible light, both before the colonies and the world.

The Congress closed its session on the 26th of October, after appointing another session to be held on the 10th day of the following May, unless the public grievances should be removed before that time. The results of its six weeks' deliberation were then probably but imperfectly comprehended, even by those of its members who looked farthest into the vista of the future. The consultations which were held, and the friendships which were formed, blending with the common interests and common dangers of the whole country, became enduring bonds of union to the colonies, which no subsequent differences of opinion, nor all the gloomy disasters of the revolution, were able to break asunder.

The delegates from Rhode Island returned immediately to their homes; and at a meeting of the General Assembly, called specially for the purpose, they made a full report of the proceedings of the Congress. Its several acts were unanimously approved, and the delegates, having received the thanks of the Assembly, were immediately appointed to attend the next Congress, and charged with suitable instructions as to the objects to be accomplished.

Before the meeting of the second Congress, the fields of Lexington had been reddened with blood, spilt in the earliest engagement of the revolution. Tidings of the battle were received in Rhode Island on the evening of the 19th of April, and companies from the northern towns of the colony made immediate preparation to march to the assistance of the people of Massachusetts. On the 22d of the same month, a special session of the Assembly was held at Providence, and acts were passed for putting the colony in a posture of defence, and for raising fifteen hundred men, to act with similar quotas from Massachusetts and Connecticut, as an army of observation. At the same session, Nathaniel Greene was advanced from the station of a private in the Kentish Guards, the company of his native town. to the rank of Brigadier-General, and

was placed at the head of the troops from Rhode Island.

To these spirited proceedings of the Assembly, the Governor, Mr. Joseph Wanton, and the Deputy-Governor, and several of the Assistants, entered a formal protest, on the ground that they were unnecessary, and might still further disturb the relations of the colonies with the mother country. But, in an emergency like this, the protest of men who had been intrusted with the government of the colony was not to be endured by the people. So high was the excitement among the members of the Assembly, that the Deputy-Governor and the recreant Assistants were obliged to resign their places; and the Governor, though he had just before been elected for another term, was suspended from the exercise of all official authority. A few months afterwards, the office was taken from Mr. Wanton by an act of the Assembly, and bestowed upon Mr. Nicolas Cooke, an eminent merchant of Providence, who held it with dignity and firmness for three successive years, during the most trying period of the revolution.

In this disordered state of the colonial government, the delegates from Rhode Island again departed to join the Congress at Philadelphia. Their credentials bore only the signature of

Henry Ward, Secretary of State, whom the legislature, on account of the defection of the Governor and his Deputy, had authorized to sign the public papers of the colony. Mr. Ward appeared and took his seat on the 15th of May, five days after the session began. The papers relating to the battle of Lexington had already been presented by Mr. Hancock, on the first day of the session; and, in promoting the measures which were now proposed for the defence of the colonies, and for raising and equipping troops, he engaged with the utmost zeal. His son, Samuel Ward, Junior, who had been recently graduated at Rhode Island College, had just received a captain's commission in the service of his native colony; and this circumstance, in connection with the views which he had long taken of the nature of the contest, and the necessity of preparing for the worst, may have strengthened his interest in the military establishment of the country. In carrying forward all these measures, Mr. Ward earnestly coöperated with John Adams, the farsighted leader of the New England delegations, who at this very time was writing those delightful Letters, which now throw so much light upon the deliberations which were held at Philadelphia.

On the 26th of May, when the House re-

solved itself into a committee of the whole, "on the consideration of the state of America," Mr. Ward was called to the chair by Mr. Hancock, who had then just been elected President; and from this time onwards he seems to have been selected to preside in the committee of the whole, whenever the Congress gave this form to its deliberations. In this situation he was, of course, precluded from engaging in the debates of the committee; but, on the questions which were discussed in the House itself, he was accustomed to deliver his sentiments with manly clearness and earnest eloquence. Every day's deliberations only served to unite the minds of all the delegates in the opinion, which a few had entertained from the beginning, that a reconciliation was not to be expected, and that vigorous measures must immediately be adopted for defence and resistance. This sentiment is everywhere expressed in the letters of Mr. Ward, written, at this period, to his friends in Rhode Island, and to his kinsman General Greene, and his son Captain Ward, at the camp before Boston. With these and some other officers in active service he maintained a frequent correspondence, that he might the better ascertain the views of the troops, and judge of the public measures needed for their discipline and efficiency.

General Greene, on the 4th of June, writes to him his opinion, that "all the forces in America should be under one commander, raised and appointed by the same authority, subjected to the same regulations, and ready to be detached wherever occasion may require ;" * and on the 15th of the same month, we find in the Journal of Congress the following entry ;

"Agreeable to order, the Congress resolved itself into a committee of the whole, and, after some time, the President resumed the chair, and Mr. Ward reported that the committee had come to further resolutions, which he was ordered to report. It was then resolved, That a General be appointed to command all the Continental forces raised, or to be raised, for the defence of American liberty.

"The Congress then proceeded to the choice of a General by ballot, and George Washington, Esq., was unanimously elected."

Though the full importance of the step which was now taken could not then have been real-

* The same letter contains the following, at that time, remarkable passage ; "Permit me, then, to recommend, from the sincerity of my heart, ready at all times to bleed in my country's cause, a declaration of independence ; and a call upon the world, and the great God who governs it, to witness the necessity, propriety, and rectitude thereof."

ized, yet there were those who saw clearly that they had staked the destiny of the colonies upon the election which they had made. Mr. Ward had formed the acquaintance of Washington in the session of the preceding year, and appears immediately to have conceived for him that sentiment of mingled reverence and esteem, which his character never failed to inspire in every ingenuous mind. The vote which was adopted a few days after the election, and which pledged the delegates to maintain and assist the Commander-in-chief with their lives and fortunes, was on his part a pledge of the deepest and sincerest devotion. A month or two later, in a letter written to the General in the hurry of public business, he says, "I most cheerfully entered upon a solemn engagement, upon your appointment, to support you with my life and my fortune; and I shall most religiously, and with the highest pleasure, endeavor to discharge that duty."

In August, 1775, the Congress took a recess for a month, and Mr. Ward passed the interval with his family in Rhode Island. During this period he also attended the meeting of the General Assembly, and, in connection with his colleague, Mr. Hopkins, made a report to that body of the condition of the colonies, and the measures which had been adopted for their

common safety. He found the people of Rhode Island, though still animated with the same devotion to liberty, yet more than usually distressed at the depredations of the ships of war which now covered the Narragansett Bay, and frequently sent their tenders marauding along its shores. A large proportion of the towns of the colony border upon navigable waters, and the property of their citizens was thus continually exposed to the incursions of an enemy, who had full possession of the harbor of Newport, and withal was not without the confidence of some of the leading citizens of the town.

The great body of the people, however, had long since espoused the American cause, though, as their fidelity had been put to severer tests than that of most other towns, it had not wholly escaped suspicion. The commerce, which had hitherto supported the town, within a single year had been reduced to less than a third of its former extent, and the sources of its long continued prosperity were rapidly drying up. Mr. Ward, whose sympathies were warmly enlisted in the sufferings of his native town, foreseeing the doom that must descend upon it when hostilities should assume a still sterner aspect, earnestly advised its inhabitants, who were true to the country, to remove their

families and effects to other parts of the colony. The people of Providence also offered to make provision for the reception and support of some hundreds of the poor families of Newport. The proposal, however, seems not at the time to have been generally accepted ; and the long possession of the British, and the melancholy desolations of war, annihilated the prosperity of the town, and at the close of the revolution left nothing of her former glory, save the changeless beauties of nature which surround her.

For the purpose of protecting the trade of the colony, the General Assembly, in June, 1775, chartered and equipped two vessels of considerable force, and placed them under the command of Abraham Whipple, to whom was given the title of Commodore. He also received private instructions to clear the bay of the tenders of the British frigate *Rose*, that lay at its mouth ; and in his first cruise, after a slight engagement, the first concerted naval engagement of the revolution, he captured one of the tenders, and brought her to Providence. In August this armament was increased by the addition of two row galleys, carrying thirty men each ; and, on the 26th of that month, the General Assembly adopted a resolution, instructing the delegates of the colony “ to use

their whole influence, at the ensuing Congress, for building, at the Continental expense, a fleet of sufficient force for the protection of these colonies, and for employing it in such manner and places, as will most effectually annoy our enemies, and contribute to the common defence of these colonies.”*

This resolution was the earliest proposal for a Continental navy. It was the natural result of the maritime experience of the colony, and of the several encounters of her citizens with the cruisers of the King. The annoyances, which they had thus experienced, enabled them to appreciate the advantages which might be derived from a naval armament, and their familiarity with the sea led them earnestly to engage in its establishment.

These instructions were presented to the Congress on the 3d day of October, and were ordered to lie upon the table. Several vessels of different force were soon afterwards either built or chartered for the service of the colonies, and Esek Hopkins, at that time a Brigadier-General in the army of Rhode Island, was appointed to the command of the infant navy. He repaired to Philadelphia immedi-

* Staples's *Annals of Providence*, p. 265; also *Schedules of the General Assembly of Rhode Island*.

ately on receiving his appointment, in November, 1775, and in the following February sailed with the entire fleet on an expedition against one of the Bermuda Islands. The expedition seems to have been undertaken without any precise orders from the Congress, and, though in some respects eminently successful, it failed to receive their entire sanction.

In consequence of the urgency of other business, the instructions to the delegates of Rhode Island were not taken up for the action of the House till the 16th of November, though several of the intervening days had been assigned for their consideration. On this day Mr. Ward wrote to his brother in Rhode Island, "Our instruction for an American fleet has been long upon the table. When it was first presented, it was looked upon as perfectly chimerical; but gentlemen now consider it in a very different light. It is this day to be taken into consideration, and I have great hopes of carrying it. Dr. Franklin and Colonel Lee, the two Adamses, and many others, will support it. If it succeeds, I shall remember your ideas of our building two of the ships." The matter, however, seems not to have been brought to a final determination till the 11th of December; for in the Journal we find the following entry for that day;

“Agreeable to the order of the day, the Congress took into consideration the instructions given to the delegates of Rhode Island, and after debate thereon, Resolved, That a committee be appointed to devise ways and means for furnishing these colonies with a naval armament, and report with all convenient speed.”

This committee brought in their report on the 13th of December, and recommended that thirteen ships, five of thirty-two guns, five of twenty-eight guns, and three of twenty-four guns, be built and made ready for sea as soon as practicable. The report of the committee, after being fully debated, was adopted by the Congress, and the ships were ordered to be built at the expense of the united colonies. On the day following the final adoption of this measure, Mr. Ward again wrote to his brother, “I have the pleasure to acquaint you, that, upon considering our instructions for a navy, the Congress has agreed to build thirteen ships of war. A committee is to be this day appointed, with full powers to carry the resolve into execution. Powder and duck are ordered to be imported. All other articles, it is supposed, may be got in the colonies. Two of these vessels are to be built in our colony, one in New

Hampshire, &c. The particulars I would not have mentioned. The ships are to be built with all possible despatch."

We have thus seen that the first establishment of a Continental fleet is to be traced back to the instructions of the Rhode Island Assembly, and to the exertions which were made in obedience to them by the delegates of the colony. The measure was on every account an important one, and the merit of originating and supporting it, at that opening period of the struggle for independence, ought not to be lightly estimated. It is alone sufficient to entitle the colony to an honorable distinction in the history of the revolution, and may be regarded as the early pledge of the brilliant deeds, which have since been achieved by her sons upon the decks of the American navy.

CHAPTER VII.

His Duties as a Member of Congress. — His Letters to his Brother. — The Organization of the Army. — His Apprehensions respecting it. — His Views of the Result of the Contest. — Distress of the People of Rhode Island. — Action of the Assembly, and of General Washington, for their Relief.

IN the Journals of the Continental Congress for the session of 1775, and the early part of the following year, few names, after those of the immediate leaders of the revolution, are more frequently mentioned than that of Samuel Ward. Though not unused to debate, it is probable that his most important services were performed in a less conspicuous sphere of action. Indeed the real work of such bodies is usually accomplished away from the scenes of brilliant oratory, in the confinement of the committee room, or the seclusion of the private chamber, where business is prepared, and plans of public policy are elaborated and matured. Of this class of labors Mr. Ward sustained a large share. He entered into the duties of his station with a patriotic zeal, that shrank from no sacrifice of personal ease, however great it

might be. He was exceedingly regular in his attendance upon the House, and uniformly accepted, without hesitation, every work which was assigned to him to perform.

After the reassembling of the Congress in September, in addition to the service he almost daily rendered in the chair of the committee of the whole, he was appointed a member of the secret committee, to contract for arms and munitions of war, and of this committee he was subsequently chosen chairman. He was also a member of the standing committee on claims and accounts; a post which required his attention to an infinite number of details, and which compelled him to become conversant with all the operations of the army, and with the services performed by each of the respective colonies.

In addition to these two appointments, each of them of the most arduous and confining nature, he served upon a large number of special committees, some of which were charged with the most delicate and responsible duties. His colleague, Mr. Hopkins, was at this time disabled from writing, on account of physical infirmity; and the official correspondence of the delegation with the government and the citizens of the colony, was thus thrown wholly upon Mr. Ward. To the close confinement

thus imposed upon him by the duties of his station, he makes frequent allusions in the familiar letters addressed to his family. In one of these, written in the month of October, he says, "I am almost worn out with attention to business. I am upon a standing committee of claims, which meets every morning before Congress, and upon the secret committee, which meets almost every afternoon; and these, with a close attendance upon Congress, and writing many letters, make my duty very hard, and I cannot get time to ride or take other exercise. But I hope the business will not be so pressing very long."

Our own times are so remote from the period of the American revolution, that we often are able to gain only an imperfect idea of the questions which perplexed the patriots of that day, or of the personal feelings with which they regarded the scenes that were passing before them. There were among them men of every hue of character, and every degree of decision; men who were prompted by impetuous temperaments, by selfish hopes, and by a high sense of duty; men who were timid champions of the cause, and were always hoping for a reconciliation, and those who staked their all upon the issue, who early saw that reconciliation was impossible, and were

only waiting for the separation which they believed to be inevitable. In which of these classes of the patriots, who composed the Congress of the Confederation, Governor Ward deserves to be ranked, has already been indicated, it may, however, be more fully seen by the following extracts from familiar letters written to his brother in Rhode Island, during the autumn of 1775. On the 30th of September, he writes,

“No news from England since my last. The gentlemen of Georgia deserve the character I gave you of them; they are some of the highest sons of liberty I have seen, and are very sensible and clever. Mr. Wythe and Mr. Lee, of Virginia, have been under inoculation since my last, so that I can say no more of these than I did then. Saving that unhappy jealousy of New England, which some weak minds are possessed with, great unanimity prevails in Congress; our measures are spirited, and I believe we are now ready to go every length to secure our liberties. John Adams’s letter* has silenced those, who op-

* Two of the private letters of John Adams had been intercepted and published. The originals were sent to England, and are now in the State Paper Office in London. Mr. Sparks has published extracts from the originals, in *Washington’s Writings*, Vol. II. p. 499. The one

posed every decisive measure ; but the moderate friends, or, as I consider them, the enemies of our cause, have caused copies of it to be sent throughout the province, in hopes, by raising the cry of independence, to throw the friends of liberty out of the new Assembly, the choice of which commences next Monday ; but I believe they will fail, and that the House will be more decided than ever. One comfort we have, that divine wisdom and goodness often bring good out of ill. That the issue of this same contest will be the establishment of our liberties, I as firmly believe as I do my existence ; for I never can think that God brought us into this wilderness to perish, or, what is worse, to become slaves, but to make us a great and free people."

On the 2d of November, he writes again in a strain equally characteristic.

"The evening before last, two ships arrived from England. The advices which they bring (amongst which is a proclamation for suppressing rebellion and sedition) are of immense service to us. Our councils have been hitherto too fluctuating ; one day, measures for carrying on

referred to in the text was addressed to James Warren, then President of the Provincial Congress of Massachusetts. See also *John Adams's Letters to his Wife*, Vol. I. p. 268.

the war were adopted ; the next, nothing must be done that would widen the unhappy breach between Great Britain and the colonies. As these different ideas have prevailed, our conduct has been directed accordingly. Had we, at the opening of the Congress in May, immediately taken proper measures for carrying on the war with vigor, we might have been in possession of all Canada, undoubtedly, and probably of Boston. Thank God, the happy day which I have long wished for is at length arrived ; the southern colonies no longer entertain jealousies of the northern ; they no longer look back to Great Britain ; they are convinced that they have been pursuing a phantom, and that their only safety is a vigorous, determined defence. One of the gentlemen, who has been most sanguine for pacific measures, and very jealous of the New England colonies, addressing me in the style of *Brother Rebel*, told me he was now ready to join us heartily. ‘We have got,’ says he, ‘a sufficient answer to our petition ; I want nothing more, but am ready to declare ourselves independent, send ambassadors,’ &c., and much more which prudence forbids me to commit to paper. Our resolutions will henceforth be spirited, clear, and decisive. May the Supreme Governor of the universe direct and prosper them !

“The pleasure which this unanimity gives me is inexpressible. I consider it a sure presage of victory. My anxiety is now at an end. I am no longer worried with contradictory resolutions, but feel a calm, cheerful satisfaction in having one great and just object in view, and the means of obtaining it certainly, by the divine blessing in our own hands.”

Congress was at this time exceedingly perplexed and embarrassed on account of the condition of the army, the head-quarters of which were at Watertown, in Massachusetts. The troops had been enlisted, and brought into the service, under the authority of the colonies to which they respectively belonged; and the conditions of their enlistment, and the periods for which they were engaged to serve, were exceedingly various. Even after the appointment of the Commander-in-chief, and the other general officers, and the commencement of the Continental system, the men were still unwilling to serve far from home, or under any other than their own officers. The letters which General Washington addressed to the Congress, at this period, contain frequent allusions to the difficulties he constantly encountered in the arrangement of the army. In addition to the information thus communicated, Governor Ward held a correspondence with General Greene,

from whom he obtained the most accurate views respecting its actual condition, and the difficulties inherent in its organization. His own letters are full of expressions of the solicitude he felt upon this subject, and they often refer to efforts which he made to induce Congress to take some decisive measures for averting the evils, which threatened the service of the country.*

The counsels of that body, however, were far from being unanimous respecting the extent to which the Continental system should be carried. Not a few of its members were exceedingly jealous of any thing like an abridgment of the authority of the colonial governments, while others were for merging the whole of that authority, so far as the common cause was concerned, in the new central power which the exigencies of the times had called into being. These differences of opinion, and the feelings of jealousy and suspicion which were connected with them, enhanced the difficulty which attended the remodelling of the army, and filled the minds of those who were acquainted with its condition with the gravest apprehensions. Governor Ward was heartily in favor of the Continental system, and earnestly

* See Johnson's *Sketches of the Life and Character of General Greene*, Vol. I. p. 35 et seq.

advocated the offering of a bounty by Congress in order to facilitate the enlistments; but he still thought that the attachment of the troops to their respective colonies was a matter too important to be broken up, or even disregarded, in framing the conditions of enlistment. He accordingly was exceedingly desirous that Congress, in building up its authority, and in regulating the military service of the country, should avoid every thing which might have a tendency to weaken the attachment, which the soldiers felt for the colonies to which they belonged.

His views upon this subject may be best learned from passages contained in the letters, which he addressed to his friends during the autumn of 1775, especially to his brother, the Secretary of State in Rhode Island. To this gentleman he writes, on the 21st of November.

“By letters from camp, I find there is infinite difficulty in reënlisting the army. The idea of making it wholly Continental has induced so many alterations, disgusting to both officers and men, that very little success has attended our recruiting orders. I have often told the Congress, that, under the idea of new-modelling, I was afraid we should destroy our army. Southern gentlemen wish to remove that attachment, which the officers and men have to their respective colonies, and make

them look up to the continent at large for their support or promotion. I never thought that attachment injurious to the common cause, but the strongest inducement to people to risk everything in defence of the whole, upon the preservation of which must depend the safety of each colony. I wish, therefore, not to eradicate, but to regulate it in such a manner, as may most conduce to the protection of the whole.

“I am not a little alarmed at the present situation of the army. I wish your utmost influence may be used to put things upon a proper footing, and must beg leave through you to recommend the matter to the immediate attention of the Governor. There is no time to be lost.”

The letters written at this period to Governor Ward, by General Greene, from the camp near Boston, breathe a similar spirit, and contain many facts, which were undoubtedly the basis of the views above given. The correspondence which Washington held not only with the Congress, but with the Governors and public men of several of the colonies, indicates how deep was his anxiety on account of the condition of the army, and how gloomy a period the autumn of 1775 must have been to all the far-sighted patriots of the revolution.

It is from such sources as these that we derive the means of estimating aright the nature of the attachment which the people, especially in New England, felt for the respective colonies to which they belonged, and the difficulty with which this attachment was identified with their interest in the common cause of resistance to the ministry. Though great confidence was generally reposed in the wisdom of Congress, and high expectations were entertained concerning the results of its deliberations, yet the idea of a Continental sovereignty, independent of the authority of the colonies, was of slow growth in the popular mind, and the indistinctness with which it was conceived was a fertile source of embarrassment and confusion in the early stages of the revolution.

But events were steadily, though slowly, advancing towards the consummation which a few had anticipated from the beginning. The successive arrivals from England only confirmed the opinion, that the ministry were determined to persevere in enforcing the measures which they had adopted, and were preparing additional forces to decide the contest by the sword, in the approaching spring. In the mean time, some of the more active and fearless spirits in the colonies had conceived the idea of separation; and it was already beginning to spread

among the people, though there might still be found those, who fondly clung to the hope of reconciliation. The wife of John Adams, writing from the heart of Massachusetts, was urging separation upon the mind of her husband with all the ardor of woman's eloquence. General Greene, in his letters to Governor Ward, many months before, had begun to recommend a declaration of independence, and had often declared that the people were beginning to wish for it. The Congress, however, was still inactive and uncertain in its opinions. The subject had not yet been discussed, nor had the word *Independence* been uttered in any of its debates. Its members, as they are described in the letters of John Adams, sat brooding "in deep anxiety and thoughtful melancholy," with only rare and remote allusions to the mighty question, and waiting for the occurrence of some critical event to decide their course of action.

Governor Ward, if we may judge from the tone of his letters, was more patient of this delay than were some others of the delegates from New England. He felt confident that independence would be the ultimate destiny of the colonies; and, when the troubles on account of the Stamp Act first appeared, he had often predicted this result in the friendly inter-

course of private life. His most earnest desire was to see the different portions of the country united in the maintenance of their liberties, and to have the army thoroughly organized. With this preparation, he was willing patiently to wait the slow progress of events, and to leave the issue of all with the justice of Heaven.

The colony of Rhode Island was now suffering the worst evils consequent upon its exposed situation. The ships of the enemy, under the command of Captain Wallace, were lying along all its shore, and parties of marauders were constantly making depredations upon the property, and threatening the lives, of the inhabitants. Bristol had been attacked, and, after being laid under heavy contribution, was nearly destroyed. The Islands of Conanicut and Prudence had been ravaged with more than usual brutality ; and the town of Newport, in which the British commander still had influential friends and supporters, was compelled to furnish periodical supplies to the fleet, which had exclusive control of the harbor and the adjacent bay. The commerce of the colony was entirely prostrate ; some of the wealthiest inhabitants, refusing to engage in the revolution, had moved away, while the poor people, who remained, were reduced to the extremity

of suffering by the severity of the winter, the scarcity of provisions, and the heavy restrictions, which were placed upon them. So large a portion of the men, who were fit for service, were enlisted in the Continental army, or were otherwise employed away from home, that those who remained were wholly insufficient for the protection of the long line of sea-coast, which bounded a large part of the colony.

In this general distress of the people, the Commander-in-chief, at the request of the Governor of Rhode Island, sent General Lee with a small detachment to Newport, to observe the condition of the town, and recommend such measures for its relief as he might deem practicable. The General Assembly passed an act making it a crime for any person to convey intelligence to the British ministry or their agents, to supply their armies or fleets with arms or military stores, or to serve as a pilot to an English vessel of war; and providing that whoever should be found guilty of the offence should be punished with death, and the confiscation of estate.* Several persons, who

* The town of Newport was excepted in this act, and, under certain restrictions, its people, in accordance with their own request, were allowed to furnish supplies to the ships of Captain Wallace, which lay in their harbor. This was suffered as a measure of safety to the town, though

had rendered themselves obnoxious to this penalty, and who refused to make any promises for the future, were taken into custody, and their estates declared to be confiscated. The Assembly also adopted an address to Congress, in which they set forth, in the most urgent terms, the condition of the colony, the exertions which they had made, and were still making, for its defence, and their inability longer to sustain these exertions, or to keep the colony from falling into the hands of the enemy, unless they should receive timely aid from Congress. A copy of this address was forwarded to Mr. Ward at Philadelphia, and another was sent to General Washington, with a request that he would second the views which it contained, by such recommendation as his knowledge of the colony would enable him to give.*

its expediency was called in question in other parts of the colony, and by General Washington in his letter to Governor Cooke. Sparks's *Washington*, Vol. III. p. 227.

* This address, which bears the date of January 15th, 1776, together with the letter from General Washington to the President of Congress concerning it, is contained in the *American Archives*, Vol. V. p. 1148. It is a document of no small importance, as illustrating the exertions and the sufferings of the people of Rhode Island at this early stage of the revolution. From the account there presented, it appears that the colony, besides minute men and militia not yet called into service, had, at this time, not

The Commander-in-chief, when he communicated the paper to Congress, fully endorsed the statement it contained respecting the condition of the colony and the sufferings of its inhabitants, and expressed his conviction that it was highly necessary, that measures should be adopted to relieve their distress, and to furnish the aid they required. The delegates of Rhode Island did not immediately bring the address to the public attention of Congress, but preferred, according to the instructions which they received from the Governor of the colony, to consult some of the leading members upon the subject in private. A few weeks afterwards, Mr. Ward writes to Governor Cooke, that "this had been done; and from their generous concern for the colony, and a universal approbation of our vigorous exertions for the common defence, I have not the least doubt but the two battalions raised by the government will be taken into Continental pay."

The countenance which was received from

less than 3743 soldiers and sailors, exclusive of officers, in actual service, of whom 1700 were in the Continental army, and at least 200 more were on board armed vessels, beyond the limits of the colony. The whole population, in the year 1774, amounted to only 59,678 souls, and of these 5243 were Indians and Negroes. The number of families was 9437.

General Washington, and the assurances of aid from Congress, together with the spirited acts of the Assembly, gave new energy to the people of the colony, and served to dissipate the gloom which had settled around their prospects. In Newport, the influential men, who still adhered to the ministry, and who maintained frequent intercourse with the British officers attached to the ships in the harbor, were thoroughly humbled by the visit of General Lee to the town, and by the bold stand which he took against them.

The peace of the town, however, was still almost entirely at the mercy of the British commander, whose numerous acts of insult and brutal violence in different parts of the colony called down upon his name and character the direst execrations of the people. In his moods of malice, which, it was said, were made more vindictive by frequent intoxication, he would often ravage the shores of Narragansett Bay, pillage the neighboring farms and hamlets, and sometimes take the lives of the inhabitants, in a manner that would be expected only of the outlaw chief of some horde of pirates. The distresses of his native colony, and especially of those portions of it with which, from infancy, he had been most familiar, enlisted the deepest sympathies of Governor Ward, and the

numerous passages in his letters relating to the subject show how earnest were the efforts he made for their relief, both in Congress and in his communications to the colonial government.

CHAPTER VIII.

Captain Samuel Ward. — He joins the Expedition to Quebec. — Is taken Prisoner. — Letter addressed to him by his Father. — The Proceedings of Congress. — Patriotic Views of Governor Ward. — They overrule his domestic Anxieties. — His last Appearance in Congress. — His sudden Death. — His Character as a Christian and a Patriot. — Incidents in the Life of his Son, Colonel Samuel Ward.

IN September, 1775, a detachment of eleven hundred men had been sent, under the command of Colonel Benedict Arnold, on an expedition to Canada, for the purpose of weakening the British forces stationed there, and of conciliating the good will of the Canadians towards the cause of the colonies. When volunteers for this distant and perilous expedition

were called for by General Washington, two hundred and fifty of the troops belonging to Rhode Island had presented themselves for the service. Among them was Samuel Ward, Junior, who, as we have already mentioned, had in the preceding spring received a captain's commission in the Continental army.

Upon the formation of the character of this young man, now in the twentieth year of his age, Governor Ward had bestowed the care which might naturally be expected of a fond and high-minded father. Having sent him to receive his classical education at the College of Rhode Island, he had seen him bear its highest honors at the period of his graduation, and, at the opening of the revolution, he had given him up, the hope and the pride of his family, to the service of his country. He had early instilled into his mind his own spirit of self-sacrificing patriotism, and had constantly enjoined upon him the practice of virtue and the fear of God.

After Captain Ward had joined the camp near Boston, and while the period of his enlistment was still undecided, his father wrote to him a letter, which contains a full expression of his views concerning the duty, which a citizen owes his country in times of calamity or distress. "With regard," says he, "to your

engaging in the public service during the war, my sentiments are these ; that so long as my country has any occasion for my service, and calls upon me properly, she has an undoubted right to it ; and I shall ever esteem it the highest happiness to be able, in times of general distress, to do her any material good. Upon these principles, you will give me the highest satisfaction by devoting your life, while Heaven graciously continues it, to the public service. The poet justly said, ‘ *Dulce et decorum est pro patria mori.*’ I can as justly add, *pro patria vivere.*”

With these sentiments, rendered more forcible by parental example, to guide his conduct in the army, Captain Ward early attracted the notice of the Commander-in-chief, and, though at an immature age, he was permitted to join the troops from his native colony, who had been under the command of Colonel Christopher Greene, in the expedition to Quebec. Full of hope, and eager for the service in which they were to be engaged, the volunteers, under the command of Arnold, left the camp on the 15th of September, and arrived at the mouth of the Kennebec River on the 20th of the same month. Here they commenced their march through an untravelled wilderness, amidst the severities of an inclement season, without provisions, and but poorly

clad ; and, after enduring hardships such as were scarcely paralleled in all the struggle of the revolution, they reached the bank of the St. Lawrence, opposite Quebec, on the 15th of November. A few days from this date he writes to his sisters at Westerly.

“ We were thirty days in a wilderness that none but savages ever attempted to pass. We marched one hundred miles upon short three days’ provisions, waded over three rapid rivers, marched through snow and ice *barefoot*, passed over the St. Lawrence where it was guarded by the enemy’s frigates, and are now about twenty-four miles from the city, to recruit our worn-out natures. General Montgomery intends to join us immediately, so that we have a winter’s campaign before us ; but I trust we shall have the glory of taking Quebec.”

This expectation, which was also confidently entertained both in Congress and at the camp of the Commander-in-chief, was doomed to a melancholy disappointment. A few days after the arrival of Arnold, General Montgomery joined him on the plains before Quebec, with three hundred men from Montreal, and took command of the expedition. Though the force was still too small for the reduction of the city, yet the General, relying on the disposition of the Canadians to favor the cause of

the Americans, commenced the attack on the morning of the 31st of December. The event proved but too clearly that this reliance was wholly misplaced. The heroic commander fell early in the battle, and his men were repulsed. The detachment led by Colonel Arnold was engaged at another point of the city. They had already forced one of the barriers, which had been thrown up for its defence, and were approaching a second, when Arnold was borne wounded from the ground. The troops, however, led on by Colonel Greene, were still maintaining the assault, when they were attacked in the rear, and their retreat cut off by a party of the enemy, and nearly four hundred of them were made prisoners. Among these were Captain Ward and a large portion of the company under his command.

On the 17th of January, 1776, the news reached Congress, by despatches from General Schuyler, of the disastrous fate of the expedition to Quebec, and of the fall of Montgomery. The intelligence was received with no common emotion. A brave officer, high in rank, had been snatched from the service of the country; and the hopes, which had been indulged that the people of Canada would join the colonies in their resistance to the ministry, were blighted at the very moment when they

were the strongest and most ardent. But in the mind of no one in Congress, who on that day listened to the melancholy recital contained in the letters of General Schuyler, was a deeper anxiety excited, than in that of Governor Ward. As a warm-hearted patriot he mourned the loss of the gallant General, and, with a father's pride and a father's solicitude, he learned the heroic conduct and the unhappy fate of his son, the youthful captain, and his soldiers from Rhode Island. He was immediately appointed one of the committee to whom the communications of General Schuyler were referred; and on the 21st of January, so soon as the duties of the committee had been discharged, he addressed a letter to his son in Canada, which will illustrate his character both as a patriot and a father.

“MY DEAR SON;

“I most devoutly thank God that you are alive, in good health, and have behaved well. You have now a new scene of action, to behave well as a prisoner. You have been taught from your infancy the love of God, of all mankind, and especially of your country; in a due discharge of these various duties of life consist true honor, religion, and virtue. I hope no situation or trial, however severe, will tempt you to vio-

late those sound, immutable laws of God and nature. You will now have time for reflection ; improve it well, and examine your own heart. Eradicate, as much as human frailty admits, the seeds of vice and folly. Correct your temper. Expand the benevolent feelings of your soul, and impress and establish the noble principles of private and public virtue so deeply in it, that your whole life may be directed by them. Next to these great and essential duties, improve your mind by the best authors you can borrow. Learn the French language, and be continually acquiring, as far as your situation admits, every useful accomplishment. Shun every species of debauchery and vice, as certain and inevitable ruin here and hereafter. There is one vice, which, though often to be met with in polite company, I cannot but consider as unworthy of a gentleman as well as a Christian. I mean swearing. Avoid it at all times.

“All ranks of people here have the highest sense of the great bravery and merit of Colonel Arnold, and all his officers and men. Though prisoners, they have acquired immortal honor. Proper attention will be paid to them. In the mean time, behave, my dear son, with great circumspection, prudence, and firmness. Enter into no engagements incon-

sistent with your duty to your country, and such as you may make keep inviolate with the strictest honor. Besides endeavoring to make yourself as easy and comfortable as possible in your present situation, you will pay the greatest attention, as far as your little power may admit, to the comfort and welfare of all your fellow-prisoners, and of those lately under your immediate command especially."*

During the winter of 1776, the attention of Congress was earnestly directed to preparation for the campaign, which it was expected the ensuing spring would open upon the country. The fall of Montgomery, and the failure of the expedition to Quebec, undoubtedly had a tendency to give a still more serious air to their deliberations. He was the first officer of the Continental army, high in rank, who had fallen in the service; and the fathers of the country mourned for him, as for one who had died an heroic martyr to the common cause. The committee, who were appointed to consider the subject, made a series of successive reports, which resulted in sending a deputation from Congress to visit Canada, and in reinforcing the army which was stationed there.

* The letter, from which this is an extract, was published in the *American Annual Register*, Vol. VII. p. 407.

The military operations of the Continental army were also greatly extended; new posts were established, and arrangements set on foot for undertaking the defence of the entire continent, as the common territory of all the colonies was then termed. The attitude of Congress, however, had not changed. It was still that of deep anxiety and painful suspense, in which its members were waiting for some decisive event to determine the course they should adopt. Independence was only mentioned in the privacy of familiar intercourse, or in the correspondence of confidential friends. In the hall of Congress the word had not yet been uttered. But among those grave and thoughtful men, suspense was not a natural state of mind, and it could not long continue. Beneath the solemn exterior which they presented, a discerning eye might detect many a current of deep and earnest feeling, whose sure and silent flow was bearing the whole body insensibly onward to some mighty crisis.

These were the settled views, which now regulated the conduct and shaped the opinions of Governor Ward; and the familiar letters, which have guided us in framing this memoir, alone can show how deeply he was interested in the plans which Congress was now adopting, and in the approach of the events, which he felt

confident were hastening on by the appointment of a destiny which no earthly power could withstand. He also, at this time, as was natural from the troubled condition of his native colony, experienced great anxiety on account of his domestic affairs. Eleven children had survived the death of their mother, which took place in 1770. Of these one had died during his attendance at the session of the first Congress. The three elder sons were now, in imitation of their father's example, in the service of the country, two of them holding places in the army, and one in the navy. The two elder daughters were recently married, and the remaining children, still of a tender age, were dwelling, without the protection of a parent, in the mansion at Westerly, in one of the most exposed situations along the coast of the colony. To that once cheerful and happy home of his family his thoughts would often revert, and his warm, parental affection would urge him to abandon the public service, that he might watch over the tender years of his children, and save from wasting and decay the beautiful estate which his industry had acquired.

But such were not the views of duty, which became a patriot statesman of the revolution. To him the present was of little importance:

the future was all in all. Never, perhaps, in the history of mankind, has there been a period distinguished by so striking instances of the sacrifice of every private interest to the general good. The individual was but a unit in the mighty mass, whose freedom and happiness were of immeasurable importance. It was in accordance with this higher sentiment of duty to his country, that Governor Ward at this time decided against the dictates of parental affection, and resolved to remain in the Congress, and there abide the issues of the contest. In the month of February, of this long and anxious winter, he thus writes to the sister to whom he had especially committed the charge of his family.

“When I consider the alarms, the horrors and mischiefs of war, I cannot help thinking what those wretches deserve, who have involved this innocent country in all its miseries. At the same time, I adore the divine wisdom and goodness, which often overrules and directs those calamities to the producing of the greatest good. This I humbly hope will be our case. We may yet establish the peace and happiness of our native country upon the broad and never-failing basis of liberty and virtue.

“When I reflect upon this subject, and an-

ticipate the glorious period, the dangers of disease, the inconveniences experienced in my private affairs, the almost unparalleled sufferings of Samuel,* and all that my dear children and friends do or can suffer, appear to me trifling. I am sure your own love of liberty, and your fortitude of mind, will not only support you, but will enable you to encourage and support all around you in the hour of danger. My dear little boys and girls, I know, need me much; but my duty forbids my return. I can only recommend them to God, to you, and my other sisters, and to their older sisters. Do all you possibly can to encourage them in the paths of virtue, industry, frugality, and neatness, and in improving their minds as far as their situation admits."

Such were the labors, the anxieties, and the hopes, which occupied the mind of Governor Ward, when death, coming at an unexpected hour, suddenly put an end to them all. In the pressure of the many concerns, which had engaged his attention while in Congress, he had neglected to adopt the usual preventive against the smallpox, at that time one of the most dreaded of the diseases with which humanity could be afflicted. It frequently ap-

* His son, Captain Ward, now a prisoner at Quebec.

peared with great malignity, especially in the large towns of the country; and Governor Ward had received repeated admonitions, while at Philadelphia, to resort to inoculation, the only preventive measure at that time known; but though, as would appear from his letters, he dreaded the contagion with peculiar apprehension, he would never allow himself to be inoculated.*

In the Journal of Congress for the 13th of March is found the latest mention of his participation in the business of the House. On that day he presided in the committee of the whole, through a protracted discussion of several memorials and other papers relating to the trade of the colonies, and, on reporting to the House the progress of the debate, obtained leave to sit again. He also accepted an appointment as a member of a special committee, which was instructed to devise ways and means for defraying the anticipated expenses of the

* He is said to have had an invincible repugnance to this mode of taking the disease. Indeed, a strong prejudice had always existed in the colonies against inoculation, since its first introduction in 1721. Vaccination was first adopted in England, by Dr. Jenner, in 1798, and was introduced into America, about the year 1800, through the agency of Dr. Benjamin Waterhouse, a native of Newport, and at that time a lecturer at Harvard College, and also at Brown University.

campaign that was soon to open. These duties, however, were not for him to perform.

On the two following days he was still in his place in Congress, with his characteristic punctuality and devotion to business. From this time his seat was vacant. The disease, which had already begun to be felt in his system, now appeared in its worst malignity, and on the 26th of March, 1776, put an end to his useful and honorable life, in the fifty-first year of his age. In the published "Letters" of John Adams, the event is thus noticed a few days after it happened.

"We have this week lost a very valuable friend of the colonies in Governor Ward, of Rhode Island, by the smallpox in the natural way. He never would hearken to his friends, who have been constantly advising him to be inoculated ever since the first Congress began. But he would not be persuaded. Numbers, who have been inoculated, have gone through this distemper without any danger, or even confinement. But nothing would do; he must take it in the natural way, and die. He was an amiable and a sensible man, a steadfast friend to his country, upon very pure principles. His funeral was attended with the same solemnities as Mr. Randolph's. Mr. Stillman, being the Anabaptist minister here, of which persuasion

was the Governor, was desired by Congress to preach a sermon, which he did with great applause." *

He was interred in the burial-place of the First Baptist Church, amid the solemnities of religious worship, in the presence of the members of Congress, of the General Assembly of Pennsylvania, and a large concourse of the citizens of Philadelphia, among whom his amiable manners and exalted character had won for him many admiring friends. A monument was ordered to be erected to his memory at the place of his interment by a vote of Congress, and afterwards by an act of the General Assembly of Rhode Island.

The course of this memoir has furnished but few opportunities to refer to the religious opinions or the religious character of Governor Ward. He was, however, a sincere and humble Christian. He was connected, as were his ancestors before him, with a church of the Sabbatarian persuasion; a name given to what was then a large and highly respectable denomination of Christians in Rhode Island, who practised the rite of baptism by immersion, and adhered with singular tenacity to the ancient Jewish Sabbath as the appointed day of pub-

* John Adams's *Letters to his Wife*, Vol. I. p. 92.

lic worship.* He was at all times a careful observer of the simple forms of the church with which he was connected, and was withal a truly devout and conscientious, as well as a high-minded and honorable man.

His patriotism, which was deeply tinged with his religious feelings, was of the most constant and self-sacrificing nature. To be useful to the cause of American liberty, then struggling with mighty foes, to see his country successful in the great contest she had undertaken, and to win for himself the approbation of Heaven, "as a faithful servant and soldier of Jesus Christ," these, we may well judge, were the controlling aspirations of his mind, when death summoned him to the scenes of immortality, and to a nearer communion with the spiritual realities, which he had so long contemplated from afar.

His death took place on the eve of great events, which no man had more clearly foreseen, and which few men had done more to hasten forward. His sun went down ere the star of his country had risen, and while gloom and night yet hung round the whole horizon. Had his life been prolonged but for

* Among his papers is a confession of his faith in the fundamental doctrines of Christianity, which was submitted to the church on his admission as a member.

a little season, he would have beheld his native colony taking the lead of all the others in asserting the doctrines which he cherished, and becoming the first to throw off the allegiance that bound her to the British throne.* He would also have affixed his signature to the Declaration of American Independence, and thus linked with his name an enduring title to the gratitude of posterity, and won perhaps a prouder place in the annals of his country.

But this high guaranty of fame he was not permitted to attain; and we close this narrative of his life and services with the following estimate of his character, from the pen of one who knew him well, and who, while in Congress, relied with unwavering confidence on his fidelity, his wisdom, and his patriotism. The late John Adams, near the close of his venerable old age, in a letter dated January 29th, 1821, and addressed to one † of the descendants of Governor Ward, thus speaks of his character; "He was a gentleman in his manners, benevolent and amiable in his disposition, and as decided, ardent, and uniform in his patriotism, as any member of that Congress. When he was seized with the smallpox, he

* The act of allegiance was repealed by the General Assembly in May, 1776.

† Richard R. Ward, Esq., of New York.

said that if his vote and voice were necessary to support the cause of his country, he should live, if not, he should die. He died, and the cause of his country was supported, but it lost one of its most sincere and punctual advocates."

The life of Governor Ward was abruptly closed at a gloomy period in the history of his country. But his generous patriotism and his manly spirit did not die. He had instilled them with parental care into the mind of the son who bore his name, and to whose early service in the army of the revolution we have already alluded. The father descended to the tomb in the meridian of his days, but the leading features of his character were inherited by the son, who in his own career worthily exemplified the precepts and counsels which had guided his youth.

Samuel Ward, Junior, was born at Westerly, on the 17th of November, 1756. He was graduated at Brown University, with distinguished honors, in the class of 1771. At the early age of eighteen, he received a Captain's commission from the government of his native colony, and in May, 1775, marched with his company to join the army of observation, which Rhode Island was at that time raising for her own and the common defence. In the

autumn of the same year he volunteered, with a large body of the troops of Rhode Island, to accompany Colonel Arnold on the expedition to Quebec, an expedition attended with sufferings and privations such as were scarcely surpassed, if indeed they were equalled, during the war. They were bravely encountered and heroically endured; but the expedition terminated in disaster and defeat. With a large number of his gallant associates, Captain Ward was overpowered by superior force, taken prisoner, and carried to Quebec, where he was still detained at the period of his father's death.

In the course of the year 1776, he was exchanged, and, on his return to Rhode Island, married the daughter of William Greene, of Warwick, who was afterwards Governor of that state. Soon after his exchange, Captain Ward was commissioned as Major in the regiment of Colonel Christopher Greene, who had been his brave associate in the toils and disasters of the expedition to Quebec. Under this gallant commander he bore a distinguished part in the celebrated battle at Red Bank, in which Fort Mercer was successfully defended from the assault of the Hessians under Count Donop. Of this action, at the order of his Colonel, he drew up the official account, which was for-

warded to the Commander-in-chief, and which is now contained in the published correspondence of General Washington.* He was also in the camp of Washington during the dreadful winter in which the army was quartered at Valley Forge.

In 1778, the regiment of Colonel Greene was detached for special service in the colony to which it belonged, and was placed under the command of General Sullivan, whose headquarters were then at Providence. The General was preparing an expedition, which he had been ordered to undertake against the island of Rhode Island, for the purpose of dislodging the British forces, and driving them from the shores of Narragansett Bay. In this expedition Mr. Ward, though holding only a Major's commission, was intrusted with the command of a regiment. The enterprise proved unsuccessful, and the army of General Sullivan was obliged to retreat from the island; but the youthful officer, though charged with a responsibility above his commission, behaved with prudence and gallantry, and contributed his share to the order and success with which the retreat, so mortifying to the commander, and so calamitous to the colony, was conducted.

* Sparks's *Washington*, Vol. V. p. 112.

In April of the following year, he received the commission of Lieutenant-Colonel in the first regiment of the division from Rhode Island; and in this command he passed two years in Washington's army, while stationed in New Jersey, and upon Hudson's River. In many of the important operations of this period he bore the part becoming to his rank; he endured patiently the toils and privations which the service of his country imposed upon the army, and won for himself a share of the glory which belongs to all those, who, amidst disappointment, disaster, and the keenest suffering, were still faithful to the cause of the revolution.

Near the close of the war, Colonel Ward retired from the army, and engaged in mercantile pursuits in the city of New York. While thus employed, he made several voyages to Europe and the East Indies, and was among the first to display the flag of his country in the China Seas. He also resided in Paris during some of the early stages of the French revolution, and was present at the scene when Louis the Sixteenth was beheaded. On his return to the United States, he retired from the mercantile house with which he had been long connected, and settled with his family on an estate near East Greenwich, in Rhode

Island. Here, amid the quiet pursuits of agriculture, he revived the studies of his early years, and to the end of his life maintained a scholar's familiarity with Cæsar, Ovid, and Horace, the classic writers, who had been the favorites of his academic days. On the death of his wife, in the year 1817, he removed to Jamaica, in the vicinity of New York. Here and in the metropolis itself, where some of his children were now settled in business, he lived for many years in the enjoyment of congenial society, and blessed with the filial love of a numerous family, and with the confidence and respect of a wide circle of friends.

Colonel Ward, though well qualified for public life by his talents and education, as well as by his varied experience of human affairs, and his familiar acquaintance with most of the leading men of the country, yet was too strongly attached to the quiet scenes of his own home, and was withal too little ambitious of political distinction, ever to engage with relish in the exciting labors of the politician. He was twice, however, chosen to represent his fellow-citizens in what were then deemed important public bodies. One of them was the commercial convention which assembled at Annapolis, in 1786; the other was the Convention which met at Hartford in 1812.

With these solitary exceptions, his days were passed in the humble occupations of a private gentleman. Yet he was not indifferent to the fortunes of his country. He had been taught to love her from his infancy, and had spent the first years of his early manhood in the achievement of her independence. But now that this had been secured, he yielded to the love of quiet inherent in his nature, and felt at liberty to keep himself aloof from her public concerns. He died at New York, in 1832, at the age of seventy-five years.

The recollection of the person and the character of Colonel Ward is still vivid in the minds of many, who knew him as he appeared in society, in the later years of his life. One of these, who can well judge of the qualities he specifies, has pronounced him to have been "a ripe classical scholar, a gentleman of most winning urbanity of manners, and a man of sterling intellect and unblemished honor." *

* Notices of the early Graduates at Brown University by William G. Goddard.

MEMOIR

OF

THOMAS POSEY,

MAJOR-GENERAL, AND GOVERNOR OF INDIANA;

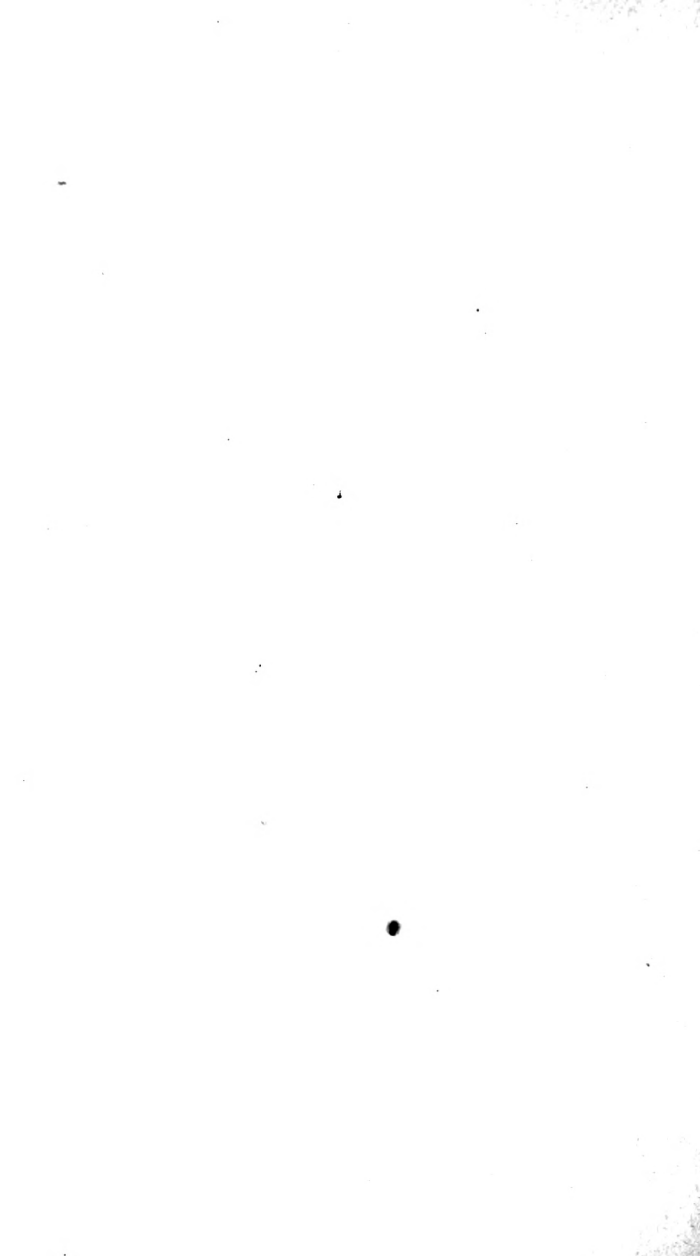
BY

JAMES HALL



P R E F A C E .

THE outline of the following memoir was supplied from manuscript documents and letters in the possession of the family of Governor Posey. The writer has also consulted Marshall's Life of Washington, Lee's Memoirs of the War in the Southern Department of the United States, and other histories of the same period; and for one fact he is indebted to Drake's Book of the Indians.



THOMAS POSEY.

THE following memoir exhibits an example of that faithful and enduring patriotism, of which the American revolution affords so many illustrious instances. It is the history of a man, who, by undeviating integrity, energy of purpose, and perseverance, rose from obscurity to the highest stations in the gift of his country. He started in life without any of those extrinsic advantages which are so highly valued, and are often so effective in filling the sails of the young adventurer upon the voyage of life; he had neither fortune nor a liberal education, and was not befriended by patronage nor family influence. When such men are virtuous and successful, they are the proper subjects to be held up as exemplars for future generations, because the path they have trodden is a common highway, free to all. "Princes and kings may flourish, and may fade," without leaving any useful lesson in practical wisdom; genius may astonish by the brilliancy of its

wonder-working powers, or the rapidity of its conquests, while those who gaze in delight or admiration upon its track of light can neither follow it nor gain instruction from the scene. But when we see a man of ordinary mould modestly commencing the career of life in its humbler offices, pressing forward with earnestness for the highest rewards of ambition, exhibiting a noble courage, a disinterested patriotism, and a general moderation, and at last gaining the most exalted places in the public service, we recognize a character combining greatness with usefulness, and which may be safely held up for imitation.

THOMAS POSEY was born on the banks of the Potomac, in Virginia, on the 9th of July, 1750, of respectable parentage. His earliest exercises were those of the rustic, and his nurture such as was to be found at the board of a substantial farmer. He received a plain English education, and at the age of nineteen was induced by an enterprising spirit to remove to the western part of Virginia, near the frontiers, where he expected to engage in some branch of trade or employment for the acquisition of property. Little is known as to his views or circumstances; but it is not improbable, that the unsettled condition of affairs on the frontiers, and the prospect of war with the Indians,

were not among the least of the incitements, which led a youth of ardent temperament and strong military bias to those scenes, which were soon to form the seat of war.

Mr. Posey had resided on the frontier but a few years, when the country became involved in a general war with the Indians; and in 1774 an expedition against them was undertaken from Virginia, led by the British colonial Governor, Lord Dunmore, and General Andrew Lewis. Mr. Posey, having now reached the years of manhood, and acquired a character for activity and correctness, as well as some knowledge of business, received an appointment in the quartermaster's department, and marched with General Lewis's division of the army. It is probable that he was not wholly inexperienced in military service, for all the frontier settlements of Pennsylvania and Virginia had for several years been exposed to continued incursions from the Indians. The Shawanese, a fierce and numerous tribe, roaming along the whole line of the western settlements, from the head of the Ohio to its confluence with the Mississippi, were engaged in a most active and relentless war, aided by most of the other western bands.

There is reason to believe, that the British authorities not only looked with indifference

at the atrocities committed by the savages, but, even at that early period, commenced that system of connivance and encouragement, which, through so many years afterwards, kept alive the rancor of the Indians, and protracted that cruel and most unhappy warfare. From the time when the spirit of independence began to show itself in the colonies, in so decided a form as to indicate the approach of a rebellion, which might require military interference, Great Britain saw the importance of keeping up a state of hostility between the American people and the savages. She saw in the latter useful allies, who, by keeping employed a portion of the military force of the colonies, and exhausting their resources, diverted and consumed much of the strength which might otherwise be exerted against herself. She hoped, too, by means of these wars, that the extension of the American settlements beyond the mountains would be checked, and the growth of a population prevented, in regions so distant as to be beyond the control of her fleets and armies.

The important expedition, of which we are now to speak, was got up at the instance of the Virginia legislature, and the gallant army which composed it consisted entirely of the militia of Virginia. It was divided into two

parts; one division, which was commanded by Lord Dunmore, was to proceed to Pittsburg, and thence to descend the Ohio to the mouth of the Kenhawa, where a junction was to be effected with the other division, commanded by General Lewis, who was to cross the mountains to the valley of the Kenhawa, and pursue the course of that river to the point of rendezvous.

Lewis was a noble soldier, a man of chivalrous character, and of great military sagacity. He had served in the disastrous campaign of Braddock, was a Captain under Washington in the expedition to the Great Meadows in 1754, was a Major in the regiment afterwards commanded by Washington, and was at the head of a detachment of Virginians, in the unlucky expedition of Major Grant, when he was signally defeated at Fort Pitt.

The distance from Camp Review, where Lewis's army assembled, on the borders of the Virginia settlements, to the mouth of the Kenhawa, was about one hundred and sixty miles; the way mountainous, rugged, and clothed with forests. There was no path nor track, and but few white men had ever passed through the savage wilderness, that was to be traversed by the army. The tourist, who now travels the same route, from the Ohio to the Virginia

Springs, passing over the stupendous precipices by means of the modern facilities of turnpikes and stages, gazes with admiration at the frightful cliffs and chasms, which he is enabled to surmount by the ingenuity of the engineer, and the wealth of a sovereign state; but he cannot realize the possibility of passing over these precipices without a road, with horses, baggage, provisions, and all the munitions of an army. In our view, there was more merit and brilliancy in such an achievement, than in the daring and the triumph of a successful battle; for the performance required more labor, more patient courage, more active patriotism, than is usually called forth by the excitement of a battle.

That arduous march was successfully performed. Arrived at the mouth of the Kenhawa, General Lewis encamped to await the arrival of Lord Dunmore; but his lordship did not come, having changed his mind, and, after leaving Pittsburg, marched through Ohio to the Shawanoe towns on the Scioto. The army of Lewis remained about ten days in camp at Point Pleasant, when, on the 10th of October, just as the sun was rising, the Indians, with a large force, attacked them. The battle lasted all the day, and was fought with great spirit and obstinacy on both sides. The Indians

were headed by Cornstalk, a chief of high reputation, who, in the attack and subsequent retreat, discovered great military skill. The battle was a remarkable one; for seldom have the Indians brought so large a force into any battle with the whites; more rarely have they deliberately attacked our troops in position, in daylight, and fought them for hours face to face. The Virginians had seventy-five men killed, and one hundred and forty wounded, while the loss of the Indians was much greater. The latter were beaten off, and they retreated at the close of the day, leaving to our troops the trophies of a hard-fought battle. It was said at the time, that so many Indians were never before known to have fallen in any engagement with the white people.

In the mean while, Dunmore proceeded to the Pickaway Plains, where he opened a negotiation for peace with the Indians, and sent orders to Lewis to join him. But when the latter, after an arduous march, had nearly reached the head-quarters of the Governor, he was met by Dunmore in person, who ordered him to return, as the Indians had expressed great fears of Lewis and his troops, and the British Governor was afraid that their presence might operate unfavorably upon the pending negotiations. The Americans retraced their

steps, dissatisfied and indignant. The conduct of Dunmore, throughout the expedition, was not easily understood. It has never since been explained ; nor does it seem to be susceptible of any other solution, than that which convicts the Governor of perfidy, of a deliberate design to conciliate the red men towards his own government, while he did what he could to exasperate the resentful feelings, which existed between them and the Americans.

It was on the Pickaway Plains, a few miles distant from the beautiful site of the present city of Chillicothe, and on the occasion we have alluded to, that Logan, the Indian chief, sent to Dunmore that remarkable speech, which is justly regarded as one of the most simple and touching specimens of eloquence to be found in the records of history.

This campaign was attended with the usual difficulties and hardships incident to Indian warfare, and was concluded with the well-known treaty made by Lord Dunmore with the savage tribes, which produced the release of many prisoners, some of whom had been in captivity for a number of years ; and it was the commencement of that good understanding between the British and the Indians, which prevailed during the revolutionary war, and has been kept up until recently, to the great injury

and annoyance of our frontier settlements. The battle of Point Pleasant has been called the first battle of the revolution; for that action, with the other incidents to which we have alluded, not only widened the breach between the Indians and the colonists, but confirmed the latter in their feelings of alienation and distrust towards the mother country. We have dwelt upon it for these reasons, and because it was an important event in the life of the subject of this memoir.

Mr. Posey, though young, was an attentive observer of these stirring scenes, which we describe from facts furnished in part from his letters written at the time, and remaining in the possession of his family, and which show him to have been a cool and intelligent witness of events which he describes with great minuteness.

The appalling exhibition of war, in its most cruel aspect, as it was displayed in these border hostilities, might, in a less resolute mind, have extinguished the military ardor of a young and unpractised soldier. But it was not so with Mr. Posey, nor was such the ephemeral character of the patriotism of that day. His was one of those dauntless spirits, which danger serves only to awaken to activity; and we find him soon after engaged in scenes which called

for all the energies of American valor. In the year 1775, the war of the revolution having commenced, he was elected a member of a committee of correspondence, a similar committee being formed in each county of Virginia; and thus, at the early age of twenty-five, he became enrolled in the ranks of patriotism, and occupied a responsible station, which showed that his capacity and discretion were such as to have won the confidence of his countrymen.

Soon after this, he was appointed a captain in the regular service, and raised a company which was incorporated with the seventh Virginia regiment, and afterwards put on the Continental establishment. During this campaign, the regiment served against Lord Dunmore, who wasted the country, and annoyed the inhabitants on different parts of the coast, and at last, having a considerable land and naval force, made a stand, and fortified Gwyn's Island. He was attacked by the Americans commanded by Brigadier-General Lewis, the same able officer and ardent patriot, under whom Captain Posey had commenced his military career, and whom he now again followed to victory. Dunmore was defeated, and driven off, with a considerable loss of men, and damage to his shipping.

After an active campaign in Virginia, the

seventh regiment was ordered to join the army under the immediate command of General Washington. The march was commenced in the winter of 1776-7, and in the spring they reached the head-quarters of the army, and shortly after took post on the heights of Middlebrook, New Jersey; a large force of the enemy then lying at New Brunswick, a few miles distant, under the command of Lord Cornwallis.

About this time, General Washington authorized a selection, of officers and men, from the whole army, who were to compose a rifle regiment, to be commanded by Colonel Daniel Morgan. That active and sagacious officer, already distinguished by his various and gallant services, in accepting the command of a corps of chosen men, was aware of the responsibility he assumed, as the leader of a band, from whom would be expected deeds of more than ordinary prowess; and in the selection of his associates, he exercised with care that consummate knowledge of human nature, which formed a prominent feature in his character. Captain Posey had the honor to be selected as one of the captains. The corps soon became one of the most distinguished in the army; its hard and continual service, and brilliant successes, showed not only that its

energies were directed by a master spirit, but that all its parts were composed of stern and warlike materials. It was immediately ordered to do duty on the enemy's lines, where it was much exposed, always on the alert, and frequently engaged with the enemy's picket guards, their foraging parties, or some part of their forces. To say that on these occasions Captain Posey was not excelled by any of the brave officers of this gallant regiment, is high praise, but it may be said with strict justice.

When General Howe evacuated New Brunswick, and directed his march for New York, General Washington detached a large force to endeavor to intercept him, or to bring on a general engagement. Morgan's rifle regiment was on this service, with orders to hang on the rear of the enemy, to engage him at every defile, and to harass him whenever an opportunity should offer. Such an opportunity was offered when the British reached Piscataway, and bravely did Morgan avail himself of it. Posting his riflemen in a marshy wood near the road, he waited in silence until the main body of the enemy had passed, and then dashed upon the rear guard. A spirited action ensued, in the course of which Captain Posey was ordered, with his company, to cross a causeway leading through a large swamp, for the

purpose of gaining the front of that portion of the enemy which was engaged, and cutting it off from the main body. That dangerous manœuvre was promptly executed, and occasioned a sanguinary conflict between this party and the enemy's light troops, who surrounded Posey, and were near cutting him off. Perceiving the danger of his situation, he directed a deadly fire at a particular point of the enemy's force, and, having opened a passage, charged gallantly through it, and thus effected a retreat. In this action the regiment sustained a heavy loss, the chief part of which fell on Posey's company. The enemy also suffered considerably.

General Howe did not remain long at New York, but, leaving that place, embarked his forces, and some time after landed at the head of Elk, in Maryland. Burgoyne, at the head of ten thousand chosen regulars, Canadians, and Indians, was now advancing from Canada upon New York, in order to cut off the communication between the Eastern and Southern States, and had reached the frontier of New York. Here he was opposed by the American army under Gates, of which Morgan's riflemen formed a part, and continued to perform the arduous duties, which necessarily devolve on this description of troops; bearing a full part in

every general engagement, and continually in motion, harassing the enemy's outposts and detachments. The general action of the 19th of September was brought on by this regiment, which did great execution throughout the battle. The engagement lasted all day; night covered the retreat of the American army, leaving the enemy in possession of the field, with a great number of slain on both sides; but the events of this day greatly disheartened the British army.

Another general engagement was fought on the 7th of October. The enemy marched out in full force, to drive our army from its encampment, and with sanguine expectations of success. They were met on the plains by our raw but gallant troops. Arnold brought on the action with his division, and Morgan was ordered with his regiment to assail the enemy's flank, a service which he performed with his usual alacrity. Having marched under cover of a thick wood, to gain a height of which the enemy were about to take possession, he reached the summit before them, poured into them a destructive fire, which brought almost every mounted officer to the ground, threw them into confusion, and forced them to retreat after disputing the ground about half an hour. Arnold, following up the blow of Morgan

broke the enemy's centre, and his left meeting with similar treatment, the whole line retreated. The British General Frazer brought up a second line, which had not been long engaged before this leader fell, and the whole of the British forces retired within the Hessian redoubts, which were then assailed and carried by our successful troops; but night coming on, the action was discontinued.

Throughout this spirited engagement, Morgan's regiment bore a conspicuous part, sustaining nobly its high reputation; and Captain Posey reaped a full share of the laurels of the day. The enemy retired to Saratoga, and the capture of Burgoyne, from whom so much was expected, a result glorious to the American arms, and important to the revolutionary cause, soon followed.

Morgan was now ordered with his regiment to the head-quarters of General Washington, near Germantown, where the riflemen, never idle, were continually employed on the enemy's lines, until the army went into winter quarters at Valley Forge. Even then, the light troops met with no repose; Morgan's regiment, with a company of artillery, and some cavalry, were stationed at Radnor, near the outposts of the British, who occupied Philadelphia, watching every movement, and always prepared for instant service.

In the spring of 1778, Colonel Morgan being on furlough, Lieutenant-Colonel Butler having joined his regiment, and Major Morris having been killed, Captain Posey succeeded to the command of the rifle corps, now much reduced by the many actions in which it had taken part, and the hardships and privations it had endured. He continued to perform the active duties of the partisan service until the British evacuated Philadelphia, when his detachment joined the army, and remained with it until a disposition was made to attack the enemy at Monmouth. At the battle of Monmouth, Morgan was attached, with his regiment and the additional troops under his command, to the infantry at first commanded by Lafayette, and acted on the right wing of the enemy.

In October, 1778, information was received of the dreadful atrocities perpetrated by the Tories and Indians upon the frontier settlements of the German Flats, Cherry Valley, Schoharie, and Wyoming; for, although the sad catastrophe at the last place has been made, through the magic of Campbell's poetry, the most conspicuous, the deeds of cruelty enacted at all those points were equally terrible and disgraceful. "The fourth Pennsylvania regiment, raised in the western frontier of that state, under the command of Lieutenant-Colonel Wil-

liam Butler, a partisan of great merit, and the remnant of Morgan's rifle corps, led by Major Posey, were detached," says Marshall, "to the immediate assistance of the distressed people." The savages and their not less brutal associates were driven back from their work of destruction, without waiting to face our troops; for, although Colonel Butler entered the enemy's country, and penetrated to the head-quarters of Brant, the Indian leader and the perpetrator of these enormities, "after a march attended with infinite labor and difficulty, in crossing high mountains and deep waters," he was not able to fall in with any party of the enemy. Their towns and provisions were destroyed, however, and their present ability to do mischief was greatly diminished.

In the spring of 1779, Major Posey joined the main army at Middlebrook, and took command of the eleventh Virginia regiment of infantry, from which he was shortly after transferred to the command of a battalion, composing part of Febiger's regiment, under the orders of General Wayne. It was his fortune to participate, under this accomplished officer, in the brilliant assault on Stony Point, on the night of the 15th of July, 1779, on which occasion he distinguished himself by being one of the first to enter the main work of the

enemy, and by making a successful charge on a battery of two twenty-four pound pieces, that severely annoyed our left column. One hundred and fifty volunteers, led by Lieutenant-Colonel Fleury and Major Posey, formed the van of the right column, and rushed to the escalade with unloaded muskets and fixed bayonets. The charge was so vigorous, that the enemy were almost instantly thrown into confusion, and threw down their arms, calling for quarter; after which not a man was slain. Marshall records, in his invaluable History, that "Colonel Fleury was the first to enter the fort and strike the British standard. Major Posey mounted the works almost at the same instant, and was the first to give the watchword, '*The fort's our own.*'" It was no small honor to have borne so conspicuous a part in one of the most daring and brilliant achievements of that long and eventful war.

The whole Virginia line was ordered to Charleston, South Carolina, in the winter of 1779-80, and Major Posey, having been permitted to take the occasion to visit his family, did not overtake the troops before they reached Charleston; and that city being invested immediately afterwards by Sir Henry Clinton, the communication was cut off. He then applied to Governor Rutledge for a command in the

militia ; but the inhabitants, scattered in every direction, and panic-struck by the depredations of the enemy, and the relentless character of the warfare that was now waged by the King's troops, could not be embodied ; and finding he could be of no service in the south, this active officer returned to Virginia, and was ordered to a recruiting station. He left this service for a short period, to assist at the siege of Yorktown, where he had the gratification of witnessing, a second time, the surrender of a British army to the American arms. He returned to his recruiting station, and organized a regiment, of which he obtained the command, having been promoted, a short time previously, to the rank of Lieutenant-Colonel.

Lieutenant-Colonel Posey repaired to Georgia, with his new regiment, in the winter of 1781-2, where he served under General Wayne, until the evacuation of Savannah by the British. Here he was continually on active service, and was engaged with his usual success on one occasion with a large foraging party, and on another with the Indians, the latter of which requires particular notice, as there is some inaccuracy in the account given of it by General Lee, in his "Memoirs of the War in the Southern Department of the United States."

On the night of the 23d of June, 1782, the army was disposed in the following manner; the artillery, the cavalry, and the light infantry of Posey's regiment, commanded by Captain Parker, were arranged in proper order, at the house of *the lower Mrs. Gibbon*, (so distinguished from there being two widow ladies of that name, at whose houses the troops had been stationed at different times,) with a chain of sentinels in the rear. The remainder of Posey's regiment was posted a few hundred yards from the house, on the road leading by Mrs. Gibbon's to Savannah, with the usual disposition of guards, and a chain of sentinels in front. Major Samuel Findlay was with the regiment, Posey having been ordered to remain that night with General Wayne. The whole of the troops had been employed for several days upon hard duty, sleeping at night in their ranks, and on their arms, with their clothes and accoutrements on, in constant expectation that the British would come out of Savannah, only five miles distant, in force for action, or that an opportunity would occur for cutting off their supplies. Wayne was a severe disciplinarian and vigilant commander, and he was now the more watchful, as he had once been surprised by an unexpected attack; and the lesson would not be lost on a man of his high

sense of military responsibility. Yet he was surprised again, and in a very remarkable manner.

Guristersigo, a distinguished leader of the Creek Indians, inhabiting the western limits of Georgia, planned an expedition against Wayne, who was watching the British in Savannah, in the eastern district of that colony. A wide tract of country separated these parties, including an extensive district of settled lands; nearly the whole width of Georgia lay between them; and it would seem impossible for any military body to perform such an extensive march without discovery. The wily Indian executed his plan with a cunning, which was equal to the boldness of its conception. Traversing the whole state of Georgia, by the most secret ways, his daring march was unseen except by two boys, who were seized and put to death; and on the night of the 24th of June, he arrived at the encampment of Wayne, about five miles from Savannah. An enemy from that direction, and of that character, was so wholly unexpected, that the Americans were completely surprised. Worn down with watching and fatigue, they were aroused at midnight by the war cry of the savages. The assault was violent, accompanied with all the terrors of Indian warfare. the terrific yell, and the use of

tomahawks, scalping-knives, spears, and guns, by which our troops were at first thrown into disorder. Two of the cannon were seized; but, in the attempt to turn them on the Americans, time was allowed to the latter to rally.

Wayne and Posey, wrapped in their cloaks, had lain down together, and, being awakened by the alarm at the same instant, rushed together towards the scene of action. They had proceeded but a few steps, when Colonel Posey met Captain Parker, who informed him of the confusion into which the attack had thrown the men, and desired his orders. Posey, without hesitation, ordered that the light troops of his command should be rallied behind the house, and accordingly, by his own exertions, united with Captain Parker's, the scattered men were collected. Placing himself, with Captain Parker, at the head of this little band, Posey ordered a charge through the enemy, to reach his regiment, which was effected with such determined gallantry, that the conflict, though severe, was not long doubtful.

Many of the Indians fell at the point of the bayonet, and several by the force of Colonel Posey's own arm; and, unfortunately, a brave soldier of his own command became, by mistake, the victim of his prowess. Sergeant Thompson, of Parker's company, had, contrary

to orders, taken off his coat, and bound a handkerchief about his head, and was so disguised, that, though manfully engaged in battle, he was taken for an Indian by Posey, who with a thrust of the sword laid him at his feet. The Colonel deeply lamented this circumstance, when he visited the hospital the following morning, and learned from the brave but imprudent sergeant the particulars of his wounds. General Wayne, with the cavalry, followed Posey, who had filed off to the right to join his regiment, which he met on its march to the scene of action ; and, placing himself at the head of it, charged upon the rear of the enemy, and put them to flight. Wayne filed to the left, where he fell in with a considerable body of the Indians, and after a sharp conflict compelled them to retreat.

Thus fighting hand to hand, these gallant officers retrieved the honor, which would have been lost had they been beaten as well as surprised ; and by the united bravery of officers and soldiers, the enemy was completely routed. The loss of the enemy was considerable. Among the fallen was Guristersigo, who refused to turn his back to his foes. Seventeen of his warriors fell at his side, besides two white men, who had performed the infamous office of guides. The great chief was pierced with

a spear and two bayonets, but continued to encourage his followers until his strength failed, when, retiring a few steps, he calmly laid himself down to die, and expired without a murmur. "He died, as he had lived," says Lee, "the renowned warrior of the Overhill Creeks."

This statement varies from that of General Lee only as respects Colonel Posey's share in the action. The accomplished historian of the War in the Southern Department, when addressed on the subject a few years ago by the party interested, promptly acknowledged his error, in the following letter to Colonel Posey.

"Alexandria, January 30th, 1813.

"DEAR SIR,

"I was yesterday favored with your letter, covering one addressed to you by Colonel Parker, and requesting me to correct part of the Memoirs of the War in the Southern Department of the United States, which applied to the part which you took in the defence made by Brigadier-General Wayne against the attack of the Indians led by Guristersigo.

"It will give me great pleasure to comply with your request, as no doubt exists on my mind, that I was mistaken in my narrative of that engagement, so far as relates to yourself.

“From the testimony now for the first time before me, I find that you were not with your infantry in camp, but passed that night at the General’s quarters, by his order, and consequently joined him in repelling the enemy from the commencement of the assault.

“If a second edition of the work should take place, I will certainly introduce this requisite change; and, in the mean time, I trust you will retain this letter as evidence of my conviction, and of my intention.

“Yours truly,

“HENRY LEE.”

Upon the evacuation of Savannah by the British, Wayne, with his troops, was ordered to join General Greene, in South Carolina. Charleston was evacuated a few months afterwards; and Lieutenant-Colonel Posey was ordered, with his battalion of light infantry, to follow the enemy as they marched out, to prevent those depredations on the part of the British, which soldiers long pent up in a garrisoned town are apt to commit when they leave it.

This was one of the last scenes of the revolutionary war; during the whole of which we have seen Colonel Posey actively and efficiently engaged, in the most perilous and diffi-

cult service, and under commanders of the highest reputation. To have served through all the privations and discouragements of this arduous war, under such leaders as Lewis, Morgan, and Wayne, whose peculiar fitness for such trusts placed them continually on desperate enterprises, and in posts of honor and danger, is of itself evidence of high military capacity and merit. He was a favorite with all those leaders. His executive talents seem to have been great, while his athletic and muscular frame, his active habits, and daring spirit, led him to court the most difficult service, and to sustain a vast deal of fatigue.

We gladly turn now to the more gratifying scenes of peace, and behold this gallant soldier sharing the rewards bestowed by a grateful country upon her patriots and heroes, and entering upon a new career of usefulness. He was both a hero and patriot. His was not the narrow soul that panted alone for military fame and personal exaltation. He was one of a race of disinterested men, who were an honor to their age and country, and whose generous patriotism gave to the American revolution a marked and peculiar character. Proud, as he well might be, of his hard-earned laurels, he prized still more dearly the honor and happiness of his country, and cheerfully laid down

his arms when the object for which he had assumed them was accomplished ; when victory crowned our arms, and our country took her place among the nations of the earth.

During the revolution Colonel Posey lost his wife, who left one child, John Posey, who was afterwards an officer of dragoons in Wayne's Legion, and served in the campaign of 1793-4 against the Indians, in the same troop of which the venerable Solomon Van Rensselear, of Albany, was captain ; and these two gentlemen are now supposed to be the only survivors of the officers of that army. He left the army with the rank of Captain. Colonel Posey married again, after the peace, which took place in 1783, to Mrs. Thornton, a young widow of considerable beauty and accomplishments, and settled in Spotsylvania county, Virginia. This marriage produced a family of ten children, of whom nine reached the years of maturity, and whose descendants are numerous.

The confidence of the country in Colonel Posey was so great, that he was never allowed to remain in a private station, but was continually sought out, and called by the public voice into stations of high responsibility. In 1785, he was appointed Colonel of the militia of Spotsylvania, and, in the year following, county Lieutenant, an office of considerable

trust and dignity in those times, when general officers of militia had not yet been created, and the whole command of the military devolved on the Lieutenants of counties, in a country still subject to Indian hostilities. He continued to act as county Lieutenant and magistrate until 1793, when he was called into more active service.

Although ten years had now elapsed since the declaration of peace, and although our independence had been acknowledged by Great Britain, and the northern boundary of our territory, as far west as it had been settled and explored, was well defined and understood, that power continued to hold some of the military posts within our limits, which she had occupied during the war. Here the Indians, who continued to harass our frontiers, obtained supplies and received encouragement; and these disastrous hostilities became every year more and more sanguinary and intolerable. Successful expeditions had been led into the Indian country by Clarke, Wilkinson, Logan, and others; but the chastisement inflicted on the savages on these occasions produced no lasting effects. The dreadful work of plunder, and carnage, and devastation continued. The tomahawk and scalping-knife were drenched in gore; the shrieks of women and children, and

the flames of the burning homestead, continued to give a distressing and atrocious character to the war. A brave army under General Harmar had lost all but its honor; St. Clair was defeated, and his force annihilated.

In 1792, General Wayne was appointed to the chief command of the army in the North-Western Territory, and arrangements were made to carry on the war with vigor. The selection of Wayne for this important service was not made without anxious deliberation. The sagacious mind of President Washington was alive to the necessity of decisive measures on this frontier. The exposed settlements demanded protection, the growing audacity of the Indians required to be checked, and the critical condition of our relations with England called for measures, which should satisfy that government, that we would not yield up the territory which she was occupying in violation of the existing treaty, nor suffer her to tamper with the savages within our jurisdiction.

From a number of distinguished names, which were presented to the President, that of Wayne was his deliberate choice; and this selection was in itself indicative of the character which it was now intended the war should assume. Though he bore the nickname of "Mad Anthony," he was an officer of consummate

prudence; active, bold, and enterprising, he was cool, sagacious, and self-possessed. It was remarked of him, by one who had served under his command, and was a capable judge, that the measures of Wayne often had the appearance of rashness, and were characterized by a boldness which seemed hasty and unreflecting, but that those who knew him could testify, that his conduct on such occasions resulted from deliberate reflection, and was directed by a thorough knowledge, and severe application of military rules. He was a thoroughbred soldier and a throughgoing man.

In the further organization of this army, several veteran officers of the revolution were appointed to high commands; Thomas Posey and James Wilkinson were selected as the Brigadier-Generals; both trained in the hard school of the revolution; the former an officer of great experience and well-tryed fidelity, the latter a younger man, the beginning of whose career had been brilliant, and who had recently led some spirited expeditions into the Indian country. General Posey continued some time with the army, highly honored by Wayne and beloved by the troops; and by his activity and military experience he contributed greatly to the success of the expedition, which gave peace to the western frontiers.

At the commencement of the winter of 1793, General Posey returned to Virginia; and we introduce the following letter addressed to him by General Wayne, on this occasion, as an interesting relic of the history of those times, and an honorable evidence of the friendship of those gallant leaders, the first and second in command of an expedition from which so much was expected, and by which so much was accomplished.

“Head-Quarters, Greenville,
December 5th, 1793.

“DEAR SIR,

“I must acknowledge that it was with difficulty I at length prevailed upon myself to grant you leave of absence, at a crisis when I was conscious that your aid and advice were extremely necessary to me, perhaps to the nation. Friendship may have prevailed over duty on this occasion; but I have the consolation, that it may eventually be in your power to render as essential services to your country, during your absence in the Atlantic States, as you could have done in the wilderness of the west. I have only to regret the temporary absence of a friend and brother officer, with whom I have participated in almost every vicissitude of fortune, from the frozen lakes of Canada to the burning sands of Florida.

“I have, therefore, to request, that you will endeavor to return to your command on or before the last of March ensuing, and, in the interim, I pray you to make a point of impressing every member of Congress, with whom you may occasionally converse, with the absolute necessity of the immediate completion of the legion; and that you also pay a visit to the seat of government, and wait personally upon the President and Secretary of War, and give them every information, *viva voce*, that they may wish to receive, relative to the situation of the legion, together with the motives and circumstances, which influenced our advance and halt at this place. You will also suggest the expediency and policy of permitting settlers to take possession of it, the moment the legion takes up its line of march in the spring.

“Wishing you a safe and quick passage through the wilderness, and a happy meeting with your family and friends, I am, with the truest and most lasting friendship and esteem, &c.

“ANTHONY WAYNE.”

We know not why, nor exactly when, General Posey became separated from the commander and friend, with whom he had served

so much and so long. He appears to have been called to other duties before the close of the expedition ; and as soon as the war was over he left the army. On quitting the regular service, he settled in Kentucky, where his military reputation recommended him to new honors, and he was almost immediately elected to the Senate of that state, and was called to the station of speaker of that body, in which office he served four years, uniting with its duties those of Lieutenant-Governor of that flourishing state.

In the winter of 1809, the Congress of the United States was induced, by the aggressions of England and France, to provide for the contingency of a war with one or the other of those parties; and a law was passed authorizing the President to call upon the states severally to furnish, according to their population, an army of one hundred thousand men. The quota of Kentucky was five thousand men, and the call was responded to with alacrity. The feeling exhibited in this patriotic state upon that occasion, and subsequently in the war of 1812, was not, as some have supposed, the result of party or political emulation. Kentucky was a frontier state, recently peopled by a race of hardy men, who had braved many dangers in reducing the wilderness to their subjection. Their homes were

purchased by toil, privation, and a lavish expenditure of blood. Their sufferings from the tomahawk and the firebrand of the savage had been very great, and were of a character to excite deeply the sensibilities of the people. The stealthy and destructive night incursions of the savage; the burning of dwellings; the massacre of women and children; the breaking up of the family circle; the plunder and devastation of property; all these awakened sorrow and indignation, that settled down into an irreconcilable hatred of the authors of such atrocious wrongs. For these injuries they held the British government and people responsible; for no fact in history is better ascertained, than their employment of the savages during the revolution, and their continuing subsequently to supply them with the destructive weapons and munitions of war, and to advise, encourage, and abet them in their hostilities upon the frontiers.

The Kentuckians could not shut their eyes to facts of which they were witnesses, and in which they were so deeply interested, nor close their hearts against the injuries that touched them so tenderly; and there prevailed throughout all that region a feeling of bitter resentment towards the British, which rendered the prospect of a war with that nation highly popular.

Virginia had given lands in Kentucky and Ohio to her citizens, who had served in the revolution, and this, with other inducements, had brought to Kentucky many of the veterans of that war, including some officers of distinction. Their ardent temperament, their southern blood, their experience of war, their pride in the deeds of their ancestors, all contributed to make the Kentuckians essentially a martial people, to whom the opportunity of striking a blow at their ancient enemies was anything but unwelcome. The call of the President, therefore, for five thousand men, to be held in readiness to march upon the occurrence of hostilities, was hailed with one general burst of applause, and the flower of the manhood of the country stood prepared for action.

It was no small honor to be selected to the command of such an army, the ranks and the subordinate offices of which would have been filled with the best blood and the best talents of the state. To this command General Posey was appointed, with the rank of Major-General. He accepted it with promptitude, and proceeded to the organization of the corps, with the vigor which marked all his public conduct. But the call was premature ; war was not then declared with either of the offending nations,

and this patriotic army was ordered to be discharged.

The Governor of Kentucky, Charles Scott who was himself a distinguished officer of the revolution, concluded a letter addressed to General Posey, accompanying the orders for disbanding the troops, in the following complimentary terms.

“While I felicitate my fellow-citizens on the prospect of our affairs, which has led to this event, permit me particularly to assure you, that I entertain a high sense of the promptitude and zeal, with which you undertook to discharge the duties of Commander-in-chief of this corps. You have set an example of military spirit, at the expense of private convenience, which I hope ever to see imitated by the militia of this state, when the interest of their country is at stake. I beg leave to renew to you my sentiments of regard, and am, sincerely, your friend and obedient servant.”

At the age of sixty, after a life of active and hard service, and having attained the highest honors of his profession, it might be supposed that this veteran soldier would have been disposed to seek the repose of private life. But such is not the characteristic mode of feeling in our country, where the spirit of enterprise is not chilled by age nor extinguished by

success. Ambition, or the love of gain, or the desire for new scenes, impels our mercurial people continually forward in the career of active exertion, and even a change of abode to distant lands, in the cold evening of life, is contemplated without reluctance, and undertaken with alacrity.

The purchase of Louisiana having added to our territory a broad region of fertile lands, with the allurements of a tropical climate, many of our citizens removed to that country. Among others General Posey turned his attention to the Orleans territory, which he explored with the intention of settling in the Attacapas or Opelousas; and finally he made a purchase of land in Attacapas, and removed thither with part of his family. He was in that country in 1812, when hostilities with Great Britain were about to take place, and set a brilliant example of patriotism to his countrymen, by raising a volunteer company at Baton Rouge, of which he accepted the command for a short time, with the rank of Captain. This act of condescension on the part of a veteran and distinguished soldier, holding the rank of Major-General, was characteristic of the individual, and of the patriotic school in which he had been trained to the love of liberty and the duties of the citizen. It would

be difficult, even at this day, to realize how much we owe to the pure and elevated principles of the men of the revolution, though we can see clearly how differently they acted from the mercenary politicians of less honest nurture.

In this year the state of Louisiana was added to the Union, and Mr. Destriiong, who was elected as one of the Senators in the Congress of the United States, having resigned, General Posey was appointed to succeed him in that distinguished station. He repaired to Washington city, and served in Congress until he was called to another place of high dignity.

On the 3d of March, 1813, he was appointed Governor and Commander-in-chief of the territory of Indiana, to succeed General Harrison, who had accepted the command of the north-western army, and entered upon that career of military service, which secured him so high a place in the estimation of his fellow-citizens. Indiana was then a frontier territory, infested by hostile savages, and lying contiguous to the seat of the war with Great Britain; and the direction of its affairs required military firmness and experience. Governor Posey filled that responsible office, to the satisfaction of the general government, and of the people of the territory, by whom he was much beloved, until

the year 1816, when the territory was erected into a state.

In reply to his last message to the territorial legislature, that body addressed him in the following language.

“They cannot refrain from declaring their perfect approbation of your official conduct as Governor of this territory. During your administration, many evils have been remedied, and we particularly admire the calm, dispassionate, impartial conduct, which has produced the salutary effects of quieting the violence of party spirit, harmonizing the interests, as well as the feelings, of the different parties of the territory. Under your auspices we have become as one people.”

This brief extract displays the character of this excellent man in a new and different light from that in which we have been viewing it, and exhibits an instance, among the many which our history affords, of the facility with which the soldiers of the republic lay aside their military habits, assume civil duties, and cultivate the gentle virtues and the arts of peace. The American revolution was fruitful in such examples. Previous to his appointment, the people of Indiana had been divided into violent factions; but such was the high esteem which they entertained for the veteran

soldier of the revolution, who had been appointed their Governor, such the suavity of his manners and firmness of his conduct, that he conciliated the affections of all parties, calmed, for a season, the storm of party asperity, and commanded general respect.

The last station in which Governor Posey was permitted to serve his country was that of Agent for Indian Affairs, which he received on relinquishing the government of Indiana, and held until his death, honored and beloved by all the tribes within his agency, among whom he exercised an unbounded influence. He died on the 19th of March, 1818, at Shawneetown, in the Illinois territory. He had caught a severe cold in descending the Wabash from Vincennes, which induced an inflammation, and terminated in a typhus fever, of which he died, eight days from the time he was taken ill. He was not unprepared for this event; his years had nearly reached the period of threescore and ten; and, admonished by this fact, he had ordered his affairs accordingly. Among his papers were found, in his own handwriting, a brief sketch of his life, a letter of advice to his children and grandchildren, in relation to their conduct in life, and a letter to his wife, to be delivered after his death.

For many years, Governor Posey had been a

member of the Presbyterian church, and, during the latter part of his life, he engaged zealously in the duties of religion, and in the affairs of his church. He was a firm believer in the doctrines of the Bible, and a devout and humble follower of the cross. He was active and liberal in encouraging the distribution of the Holy Scriptures among the destitute, and was president of several Bible societies; and on two occasions he sat as a lay representative in the synods of the Presbyterian church.

In the prime of his life, General Posey was remarkable for his personal appearance; tall, athletic, and finely formed, with singularly handsome features, his exterior was very prepossessing. His figure was dignified and graceful, and in his manners the bearing of the soldier was harmoniously blended with the ease of the refined gentleman. We should not allude to a subject so apparently unimportant, if it were not that the personal appearance of this distinguished gentleman, both as to form and feature, was so attractive as to be a subject of general remark wherever he was known.

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains.

1. *Phragmites* (common)

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VOL. XIX

BOSTON:
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